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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson. CPC

Meeting No. 1

Wednesday, May 3, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee [commenced / resumed] consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.



IN ATTENDANCE:

House of Commons:

Susan Baldwin, Legislative Clerk.

Library of Parliament:

Katherine Kirkwood, Director;

Jack Stilborn, Analyst;

Kristen Douglas, Analyst.

Miriam Burke
Clerk of the Committee

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MINUTES OF PROCEEDINGS

Meeting No. 1

Wednesday, May 3, 2006

The Legislative Committee on Bill C-2 met at 3:31 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: House of Commons: Susan Baldwin, Legislative Clerk. *Library of Parliament:* Katherine Kirkwood, Director; Jack Stilborn, Analyst; Kristen Douglas, Analyst.

Pursuant to the Standing Order 113(3), organization meeting.

Pat Martin moved, — That the Subcommittee on Agenda and Procedure be composed of the Chair and one member from each party.

Marlene Jennings moved, — That the motion be amended by adding after the word “party” the following: “and that all decisions that are not unanimous be approved by the main committee”.

After debate, the question was put on the amendment of Marlene Jennings and it was agreed to, by a show of hands: YEAS: 8; NAYS: 3.

The question was put on the motion, as amended, and it was agreed to, by a show of hands: YEAS: 8; NAYS: 4.

On motion of Alan Tonks, it was agreed, — That the Committee retain, as needed and at the discretion of the Chair, the services of one or more analysts from the Library of Parliament to assist it in its work.

Alan Tonks moved, — That witnesses be given ten (10) minutes to make their opening statement; That, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes to the first questioner of each party, starting with the Opposition parties; and that thereafter, five (5) minutes be allocated to each subsequent questioner, alternating between Opposition parties and Government.

James Moore moved, — That the motion be amended by adding after the word “Government” the following: “and that the testimony of each witness or group of witnesses be limited to forty (40) minutes unless there is unanimous consent to extend the sitting.”.

After debate, the question was put on the amendment of James Moore and it was agreed to, by a show of hands: YEAS: 8; NAYS: 3.

The question was put on the motion, as amended, and it was agreed to, by a show of hands: YEAS: 8; NAYS: 4.

On motion of Pat Martin, it was agreed, — That, if requested, reasonable travel, accommodation and

living expenses be reimbursed to witnesses not exceeding two representative per organization; and that, in exceptional circumstances, payment for more representatives be made at the discretion of the Chair.

On motion of Brian Murphy, it was agreed, — That the Clerk of the Committee be authorized to distribute to the members of the Committee only documents that are available in both official languages.

On motion of Alan Tonks, it was agreed, — That the Clerk of the Committee be authorized to make the necessary arrangements to provide working meals for the Committee and its Subcommittees.

Tom Lukiwski moved, — That 48 hours' notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration; and that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages.

Pat Martin moved, — That the motion be amended by replacing the word "48" with the word "24" and by deleting the words "unless the substantive motion relates directly to business then under consideration".

The question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

After debate, the question was put on the motion, as amended, and it was agreed to.

On motion of Alan Tonks, it was agreed, — That one copy of the transcript of each in camera meeting be kept in the Committee Clerk's office for consultation by members of the Committee.

On motion of Benoît Sauvageau, it was agreed, — That, unless otherwise ordered, each Committee member be allowed to be accompanied by one staff person at an in camera meeting.

On motion of Benoît Sauvageau, it was agreed, — That amendments to Bill C-2 be submitted to the Clerk of the Committee 48 hours prior to clause by clause consideration.

Marlene Jennings moved, — That the Chair be authorized to hold meetings and to receive evidence and to have that evidence printed only when a quorum is present, that is seven (7) members, including four (4) members from at least two (2) opposition parties.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 9; NAYS: 1.

Benoît Sauvageau moved, — That the Committee establish the following meeting schedule: Tuesdays - 9:00 a.m. to 12:00 p.m.; 3:30 p.m. to 5:30 p.m.; Wednesdays - 3:30 p.m. to 5:30 p.m.; Thursdays - 9:00 a.m. to 12:00 p.m..

Pierre Poilievre moved, — That the motion be amended by adding after "Tuesdays - 9:00 a.m. to 12:00 p.m.; 3:30 p.m. to 5:30 p.m." the following: "6:30 p.m. to 8:30 p.m." and after "Wednesdays - 3:30 p.m. to 5:30 p.m." add "and 6:30 p.m. to 8:30 p.m.".

After debate, the question was put on the amendment of Pierre Poilievre and it was negatived, by a show of hands: YEAS: 5; NAYS: 7.

After debate, the question was put on the motion and it was agreed to.

On motion of Pierre Poilievre, it was agreed, — That the President of the Treasury Board be invited to appear on Thursday, May 4, at 9:00 a.m..

At 5:00 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-05-05 12:32 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson, CPC

Meeting No. 2

Thursday, May 4, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee [commenced / resumed] consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Paul Dewar,
Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Analyst;
Kristen Douglas, Analyst.

WITNESSES:

Hon. John Baird, President of the Treasury Board.

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary, Accountability in
Government.

Department of Justice:

Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio.

Miriam Burke
Clerk of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 2

Thursday, May 4, 2006

The Legislative Committee on Bill C-2 met in a televised session at 9:01 a.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Paul Dewar, Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Kristen Douglas, Analyst.

Witnesses: Hon. John Baird, President of the Treasury Board. *Treasury Board of Canada Secretariat:* Susan M.W. Cartwright, Assistant Secretary, Accountability in Government. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee commenced consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 was postponed.

The Chair called Clause 2.

The Minister made a statement and answered questions.

By unanimous consent, the Committee agreed to extend the time permitted for questioning of the Minister.

The Committee proceeded to hear from the Departmental Officials.

Joe Wild and Susan Cartwright answered questions.

By unanimous consent, the Committee agreed to extend the time permitted for questioning.

RULING BY THE CHAIR

The Chair ruled that members must use caution when questioning department officials that their questions seek information of a technical nature. Questions regarding policy matters may be put to the Minister however it is not within our practice to compel officials to answer questions of a political nature

Mr. Sauvageau gave notice of the following motion: —That this committee calls on the Government to immediately proclaim Bill C-11, *An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.*

At 11:15 a.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-05-09 2:33 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 3

Tuesday, May 9, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Paul Dewar,
Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson,
Alan Tonks
and Borys Wrzesnewskyj.

OTHER MEMBERS PRESENT:

Paul Zed.

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Analyst;
Kristen Douglas, Analyst.

WITNESSES:

Department of Public Works and Government Services:

Laurent Marcoux, Director General, Public Opinion Research and
Advertising Coordination, Government Information Services.

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary, Accountability in
Government.

Department of Justice:

Joe Wild, Senior Counsel, Legal Services, Treasury Board
Portfolio.

Privy Council Office:

Kathy O'Hara, Deputy Secretary to the Cabinet, Machinery of
Government;

Matthew King, Assistant Secretary, Legislation and House
Planning;

Marc Chénier, Counsel, Democratic Renewal Secretariat;

Dan McDougall, Director of Operations, Legislation and House
Planning;

Patrick Hill, Officer, Machinery of Government.

Canada School of Public Service:

Ruth Dantzer, President and Chief Executive Officer.

Laurent Marcoux made a statement and, with Joe Wild and Susan Wright, answered questions.

Kathy O'Hara made a statement and, with Marc Chenier, answered questions.

Miriam Burke
Clerk of the Committee

Français Close

MINUTES OF PROCEEDINGS

Meeting No. 3

Tuesday, May 9, 2006

The Legislative Committee on Bill C-2 met in a televised session at 9:04 a.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Paul Dewar, Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson, Alan Tonks and Borys Wrzesnewskyj.

Other Members present: Paul Zed.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Kristen Douglas, Analyst.

Witnesses: Department of Public Works and Government Services: Laurent Marcoux, Director General, Public Opinion Research and Advertising Coordination, Government Information Services. *Treasury Board of Canada Secretariat:* Susan M.W. Cartwright, Assistant Secretary, Accountability in Government. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio. *Privy Council Office:* Kathy O'Hara, Deputy Secretary to the Cabinet, Machinery of Government; Matthew King, Assistant Secretary, Legislation and House Planning; Marc Chénier, Counsel, Democratic Renewal Secretariat; Dan McDougall, Director of Operations, Legislation and House Planning; Patrick Hill, Officer, Machinery of Government. *Canada School of Public Service:* Ruth Dantzer, President and Chief Executive Officer.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 was postponed.

The Chair called Clause 2.

Laurent Marcoux made a statement and, with Joe Wild and Susan Wright, answered questions.

At 10:15 a.m., the sitting was suspended.

At 10:23 a.m., the sitting resumed.

Kathy O'Hara made a statement and, with Marc Chenier, answered questions.

At 11:06 a.m., the sitting was suspended.

At 11:10 a.m., the sitting resumed.

Ruth Dantzer made a statement and answered questions.

At 11:43 a.m., the sitting was suspended.

At 11:47 a.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the First Report from the Subcommittee on Agenda and Procedure which read as follows:

FIRST REPORT OF THE SUB-COMMITTEE ON AGENDA AND PROCEDURE

The Subcommittee on Agenda and Procedure of the Legislative Committee on Bill C-2 has the honour to present its FIRST REPORT.

Your Subcommittee met on Monday, May 8, 2006, to consider the business of the Committee and agreed unanimously to make the following recommendations:

1. It was agreed, — That the Committee authorize the Clerk to contact witnesses and attempt to find groupings that reflect the overall desire of each party and, that each grouping be focussed by subjects to the extent possible;
2. It was agreed, — That the final time limit for the submission of witness list and for witness requests to appear expires at 5:00 p.m. on Tuesday, May 10, 2006 after which, witnesses may be invited to submit a brief in writing;
3. It was agreed, — That, whenever possible, all Committee meetings for the purpose of hearing witnesses be televised;
4. Pursuant to the motion of the Committee on May 3, 2006, the following motions have been referred to the Committee for its consideration:

That each witness or group of witnesses have a total of 10 minutes in which to make an opening statement;

That the limit on speaking times for Committee members be limited to 5 minutes, with the exception of the questioning of witnesses.

Respectfully submitted

The Committee proceeded to study each item individually.

On motion of Benoît Sauvageau, it was agreed, — That the English text be revised to reflect the text in French.

It was agreed, — That the Committee authorize the Clerk to contact witnesses and attempt to find groupings that reflect the overall desire of each party and, that each grouping be focussed by subjects to the extent possible.

Marlene Jennings moved, — That item No. 2 be amended by adding the word “a preliminary” before the

words “witness list” and adding after the words “a brief in writing” the following: “The Committee, by majority vote, may add names to the witness list in the future.”.

After debate, the question was put on the motion and it was agreed to.

It was agreed, — That, whenever possible, all Committee meetings for the purpose of hearing witnesses be televised.

It was agreed, — That the Committee suspend consideration of the Subcommittee Report on Agenda and Procedure and proceed to the hearing of witnesses.

Mr. Poilievre gave notice of the following motion: —That the Committee seek to complete its work on Bill C-2 before the House adjourns for summer recess in late June, 2006, and that if that work is not complete the Committee will continue to sit into the summer without break until its work on Bill C-2 is done notwithstanding the adjournment of Parliament.

At 12:03 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/05/15 4:12 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 4

Tuesday, May 9, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

André Bellavance,
Mark Holland,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Scott Reid,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Analyst.

House of Commons:

Joann Garbig, Legislative Clerk.

WITNESSES:

Office of the Auditor General of Canada:

Sheila Fraser, Auditor General ;

John Wiersema, Deputy Auditor General;

Jean Ste-Marie, Assistant Auditor General and Legal Advisor.

Miriam Burke
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 4

Tuesday, May 9, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:32 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: André Bellavance, Mark Holland, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Scott Reid, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst. *House of Commons:* Joann Garbig, Legislative Clerk.

Witnesses: Office of the Auditor General of Canada: Sheila Fraser, Auditor General ; John Wiersema, Deputy Auditor General; Jean Ste-Marie, Assistant Auditor General and Legal Advisor.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Sheila Fraser made a statement and answered questions.

By unanimous consent, it was agreed, — That the time allotted for witnesses be extended to an additional round of questioning.

At 4:49 p.m., the sitting was suspended.

At 4:52 p.m., the sitting resumed.

The Committee resumed consideration of the First Report of the Subcommittee on Agenda and Procedure

On Item No. 4a, That each witness or group of witnesses have a total of 10 minutes in which to make an opening statement.

Stephen Owen moved, — That item No. 4a be amended by adding after the words “or group of witnesses” the following: “presenting a common position”.

The question was put on the motion, as amended, and it was negatived, by a show of hands: YEAS: 2; NAYS: 6.

The question was put on the motion and the results of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the affirmative.

Accordingly, the motion was agreed to.

The Chair called the question on Item No. 4B.

The question was put on the motion and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the motion was negatived.

Benoît Sauvageau moved, — That this Committee calls on the government to immediately proclaim Bill C-11, An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

RULING BY THE CHAIR

The Chair has examined this motion carefully as to its procedural acceptability and has arrived at the following observations and conclusions.

In the last Parliament, Bill C-11 was given royal assent on November 25, 2005. It contained a provision for its coming-into-force to be fixed by order of the Governor-in-Council. To date, no proclamation has been issued for its coming-into-force.

The essence of Mr. Sauvageau's motion is to call on the government to proclaim a statute, the Public Servants Disclosure Protection Act, which is being further amended by Bill C-2.

The mandate of this legislative committee is to examine Bill C-2 and to report it to the House with or without amendment. The committee has no authority to go beyond this mandate and to comment on the actions of the Governor-in-Council regarding the proclamation of other statutes – even those which may be amended by Bill C-2.

Therefore, I would rule that this motion is inadmissible as it goes beyond the mandate of the committee.

At 5:23 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/05/15 4:30 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson, CPC

Meeting No. 5

Wednesday, May 10, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Paul Dewar,
Monique Guay,
Hon. Marlene Jennings,
Derek Lee,
James Moore,
Rob Moore,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Scott Reid,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:
Katherine Kirkwood, Analyst;
Élise Hurtubise-Loranger, Analyst.

WITNESSES:

Federal Accountability Initiative for Reform (FAIR):

Joanna Gualtieri, Director;
David Hutton, Coordinator.

As an Individual:

Allan Cutler.

Export Development Canada:

Rob Wright, President and Chief Executive Officer;
Jim McArdle, Senior Vice-President, Legal Services & Secretary;
Pierre Gignac, Senior Vice-President, Insurance.

Miriam Burke
Clerk of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 5

Wednesday, May 10, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:33 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Paul Dewar, Monique Guay, Hon. Marlene Jennings, Derek Lee, James Moore, Rob Moore, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Scott Reid, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Élise Hurtubise-Loranger, Analyst.

Witnesses: Federal Accountability Initiative for Reform (FAIR): Joanna Gualtieri, Director; David Hutton, Coordinator. *As an individual:* Allan Cutler. *Export Development Canada:* Rob Wright, President and Chief Executive Officer; Jim McArdle, Senior Vice-President, Legal Services & Secretary; Pierre Gignac, Senior Vice-President, Insurance.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

By unanimous consent, it was agreed, — That the Information Commissioner be invited to appear before the Committee on May 18, 2006, from 9:00 a.m. to 10:30 a.m.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Joanna Gualtieri made a statement and answered questions.

At 4:17 p.m., the sitting was suspended.

At 4:20 p.m., the sitting resumed.

Allan Cutler made a statement and answered questions.

By unanimous consent, the Committee agreed to extend the sitting by 5 minutes.

At 5:05 p.m., the sitting was suspended.

At 5:06 p.m., the sitting resumed.

Rob Wright made a statement and answered questions.

At 5:33 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/05/12 10:36 a.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson, CPC

Meeting No. 6

Thursday, May 11, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay
Mark Holland
Hon. Marlene Jennings
Tom Lukiwski
Pat Martin
James Moore
Rob Moore
Hon. Stephen Owen
Daniel Petit
Pierre Poilievre
Hon. Geoff Regan
Benoît Sauvageau
David Tilson
Alan Tonks
Mark Warawa

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MINUTES OF PROCEEDINGS

Meeting No. 6

Thursday, May 11, 2006

The Legislative Committee on Bill C-2 met in a televised session at 9:07 a.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Mark Holland, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Hon. Geoff Regan, Benoît Sauvageau, David Tilson, Alan Tonks and Mark Warawa.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Kristen Douglas, Analyst.

Witnesses: Office of the Commissioner of Official Languages: Dyane Adam, Commissioner; Johane Tremblay, Director, Legal Affairs Branch; Carol White, Interim Director, Corporate Services Branch. *Public Service Integrity Office:* Edward W. Keyserlingk, Public Service Integrity Officer; Jean-Daniel Bélanger, Senior Counsel. *Canada Post Corporation:* Moya Greene, President and Chief Executive Officer; Gerard Power, Vice-President, General Counsel and Corporate Secretary.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Dyane Adam made a statement and answered questions.

At 9:53 a.m., the sitting was suspended.

At 9:57 a.m., the sitting resumed.

Edward Keyserlingk made a statement and, with Jean-Daniel Bélanger, answered questions.

At 10:39 a.m., the sitting was suspended.

At 10:43 a.m., the sitting resumed.

Moya Greene made a statement and, with Gerard Power, answered questions.

At 11:24 a.m., the sitting was suspended.

At 11:27 a.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Pierre Poilievre moved, — That the Committee seek to complete its work on Bill C-2 before the House adjourns for summer recess in late June, 2006 and the if that work is not complete the committee will continue to sit into the summer without break until its work on Bill C-2 is done notwithstanding the adjournment of Parliament.

Benoît Sauvageau moved, — That the motion be amended by replacing the words “the Committee will continue to sit into the summer without break until its work on Bill C 2 is done, notwithstanding the adjournment of Parliament”, with the words “the Committee will continue its work until June 30, 2006, and then adjourn until the first Monday in August 2006, which is August 7, if necessary, notwithstanding Parliament’s summer recess”.

After debate, the question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negatived.

After debate, the question was put on the motion and it was agreed to.

At 11:55 a.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-05-12 10:31 a.m.

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IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Analyst

Kristen Douglas, Analyst

WITNESSES:

Office of the Commissioner of Official Languages:

Dyane Adam, Commissioner

Johane Tremblay, Director, Legal Affairs Branch

Carol White, Interim Director, Corporate Services Branch

Public Service Integrity Office:

Edward W. Keyserlingk, Public Service Integrity Officer

Jean-Daniel Bélanger, Senior Counsel

Canada Post Corporation:

Moya Greene, President and Chief Executive Officer

Gerard Power, Vice-President, General Counsel and Corporate Secretary

Edward Keyserlingk made a statement and, with Jean-Daniel Bélanger, answered questions.

Moya Greene made a statement and, with Gerard Power, answered questions.

Miriam Burke
Clerk of the Committee

HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson, CPC.

Meeting No. 7

Tuesday, May 16, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Dean Del Mastro
Paul Dewar
Monique Guay
Hon. Marlene Jennings
Carole Lavallée
Tom Lukiwski
Pat Martin
Rob Moore
Brian Murphy
Hon. Stephen Owen
Daniel Petit
Pierre Poilievre
David Tilson
Alan Tonks

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Director
Kristen Douglas, Analyst
Nancy Holmes, Analyst

WITNESSES:

Office of the Registrar of Lobbyists:

Michael Nelson, Registrar of Lobbyists

Canadian Society of Association Executives:

George Weber, Chairman of the Board

Government Relations Institute of Canada:

Leo Duguay, President
Lisa Stilborn, Vice President

Office of the Registrar of Lobbyists:

Bruce Bergen, Counsel

Canadian Society of Association Executives:

Michael Anderson, President and Chief Executive Officer

Professional Institute of the Public Service of Canada:

Michèle Demers, President
Jamie Dunn, Negotiator

Public Service Alliance of Canada:

John Gordon, President
Edith Bramwell, Legal advisor

Office of the Chief Electoral Officer:

Jean-Pierre Kingsley, Chief Electoral Officer
Diane R. Davidson, Deputy Chief Electoral Officer and Chief
Legal Counsel

Michèle Demers made a statement and, with Jamie Dunn, answered questions.

John Gordon made a statement and, with Edith Bramwell, answered questions.

Miriam Burke
Clerk of the Committee

Français

[Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 7

Tuesday, May 16, 2006

The Legislative Committee on Bill C-2 met in a televised session at 9:04 a.m. this day, in Room 269, West Block, the Chair, David Tilson, presiding.

Members of the Committee present: Dean Del Mastro, Paul Dewar, Monique Guay, Hon. Marlene Jennings, Carole Lavallée, Tom Lukiwski, Pat Martin, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Director; Kristen Douglas, Analyst; Nancy Holmes, Analyst.

Witnesses: Office of the Registrar of Lobbyists: Michael Nelson, Registrar of Lobbyists. *Canadian Society of Association Executives:* George Weber, Chairman of the Board. *Government Relations Institute of Canada:* Leo Duguay, President; Lisa Stilborn, Vice President. *Office of the Registrar of Lobbyists:* Bruce Bergen, Counsel. *Canadian Society of Association Executives:* Michael Anderson, President and Chief Executive Officer. *Professional Institute of the Public Service of Canada:* Michèle Demers, President; Jamie Dunn, Negotiator. *Public Service Alliance of Canada:* John Gordon, President; Edith Bramwell, Legal advisor. *Office of the Chief Electoral Officer:* Jean-Pierre Kingsley, Chief Electoral Officer; Diane R. Davidson, Deputy Chief Electoral Officer and Chief Legal Counsel.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Michael Nelson, George Weber and Leo Duguay made statements and answered questions.

By unanimous consent, it was agreed, — That the Committee extended the first session of questioning by 7 minutes.

At 9:53 a.m., the sitting was suspended.

At 9:57 a.m., the sitting resumed.

Michèle Demers made a statement and, with Jamie Dunn, answered questions.

John Gordon made a statement and, with Edith Bramwell, answered questions.

At 11:06 a.m., the sitting was suspended.

At 11:10 a.m., the sitting resumed.

Jean-Pierre Kingsley made a statement and answered questions.

At 11:48 a.m., the sitting was suspended.

At 11:50 a.m., the sitting resumed.

The Committee proceeded in camera to the consideration of matters related to Committee business.

The Chair presented the Second Report from the Subcommittee on Agenda and Procedure which read as follows:

SECOND REPORT OF THE SUB-COMMITTEE ON AGENDA AND PROCEDURE

The Subcommittee on Agenda and Procedure of the Legislative Committee on Bill C-2 has the honour to present its SECOND REPORT.

Your Subcommittee met on Monday, May 15, 2006, to consider the business of the Committee and agreed to the following list of witnesses, subject to availability:

Tuesday, May 16, A.M.

9:00 – 9:40

Government Relations Institute of Canada;

Registrar of Lobbyists;

George Weber, Chairman, Canadian Society of Association Executives

9:40 – 10:40

Professional Institute of the Public Service (PIPS);

Public Service Alliance of Canada (PSAC)

10:40 – 11:40

Elections Canada – Chief Electoral Officer

Tuesday, May 16, P.M.

3:30 – 4:10 Ethics Commissioner

4:10 – 4:50 Robert Marleau

4:50 – 5:30 Maria Barados, President, Public Service Commission

Wednesday, May 17, P.M.

3:30 – 4:10

Assembly of First Nations, Phil Fontaine

4:10 – 4:50

Assembly of First Nations of Quebec and Labrador;

Makivik Corporation;

Quebec Native Women;
Aboriginal Financial Officers Association

Thursday, May 18, A.M.

9:00 – 10:30
John Reid, Information Commissioner

Tuesday, May 30, A.M.

9:00 – 9:40
Privacy Commissioner

9:40 – 10:20
Directors of all four major political parties

10:20 – 11:40
Canadian Federation of Students;
Professional Association of Foreign Service Officers;
Association of Canadian Financial Officers;
Association of Professional Executives of the Public Service of Canada;
Canadian Association of Professional Employees;
National Union of Public and General Employees;
Canadian Union of Postal Workers;
Confédération des syndicats nationaux;
Union of Canadian Correctional Officers;
Canadian Union of Public Employees

Tuesday, May 30 – P.M.

3:30 – 4:10
Deputy Minister of Procurement Public Works and Government Services

4:10 – 4:50
Ken Rubin
David Gollob

4:50 - 5:30
National Arts Centre
Public Sector Pension Investment Board
Via Rail Canada
Atomic Energy Canada

Wednesday, May 31, P.M.

3:30 – 4:10
TD Bank, Don Drummond, Chief Economist
Bank of Montreal, Tim O'Neill, Former Chief Economist

4:10 – 4:50

Peter Aucoin C.E.S. Franks

4:50 – 5:30

Donald Savoie, Professor, University of Moncton

Arthur Kroeger

Paul Thomas

Thursday, June 1, A.M.

9:00 – 9:40

René Villemure, Chair, Institut Québécois d'éthique

Pierre F. Côté, Former Chief Electoral Officer of Québec

Kenneth Kernaghan, Chair, Working Group of Disclosure of Wrongdoing, Professor of Political Science and Management, Brock University

9:40 – 10:20

Gwyn Morgan, Chairperson of the New Public Appointments Commission

10:20 – 11:00.

ADM for Criminal Prosecution Department of Justice

Bob Gillan, ADM for Prosecution, Government of B.C.

11:00 – 11:40

David Zussman, "Janislowsky Chair", Public Sector Management, University of Ottawa

Denis Saint-Martin, Professor, University of Montréal

Respectfully submitted

David Tilson

Chair

It was agreed, — That the report of the Subcommittee be concurred in.

It was agreed, — That the Public Service Staff Relations Board be invited to appear.

It was agreed, — That the following organizations: Canada Foundation for Innovation, Canada Millennium Scholarship Foundation, Canada Health Infoway, Canadian Foundation for Sustainable Development, Genome Canada, Canadian Health Services Research Foundation and the Forum of Federations, be invited to appear.

At 12:05 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-05-18 4:05 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 8

Tuesday, May 16, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Luc Harvey,
Carole Lavallée,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson,
Alan Tonks
and Paul Zed.

OTHER MEMBERS PRESENT:

Hon. Shawn Murphy.

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Analyst;
Kristen Douglas, Analyst;
Élise Hurtubise-Loranger, Analyst.

WITNESSES:

Office of the Ethics Commissioner:

Bernard Shapiro, Ethics Commissioner;
Robert F. Benson, Deputy Commissioner;
Lyne Robinson-Dalpe, Director, Corporate Affairs.

As an Individual:

Robert Marleau, Chair of the board of directors of the
Parliamentary Centre and Former Clerk of the House of Commons.

Public Service Commission of Canada:

Maria Barrados, President;
Gaston Arseneault, General Counsel.

Maria Barrados made a statement and, with Gaston Arseneault, answered questions.

Miriam Burke
Clerk of the Committee

Français

Close

MINUTES OF PROCEEDINGS

Meeting No. 8

Tuesday, May 16, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:30 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Luc Harvey, Carole Lavallée, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson, Alan Tonks and Paul Zed.

Other Members present: Hon. Shawn Murphy.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Kristen Douglas, Analyst; Élise Hurtubise-Loranger, Analyst.

Witnesses: Office of the Ethics Commissioner: Bernard Shapiro, Ethics Commissioner; Robert F. Benson, Deputy Commissioner; Lyne Robinson-Dalpe, Director, Corporate Affairs. *As an individual:* Robert Marleau, Chair of the board of directors of the Parliamentary Centre and Former Clerk of the House of Commons. *Public Service Commission of Canada:* Maria Barrados, President; Gaston Arseneault, General Counsel.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Bernard Shapiro made a statement and answered questions.

At 4:12 p.m., the sitting was suspended.

At 4:14 p.m., the sitting resumed.

Robert Marleau made a statement and answered questions.

At 4:56 p.m., the sitting was suspended.

At 4:58 p.m., the sitting resumed.

By unanimous consent, the Committee agreed to extend the sitting past 5:30 p.m. to allow for a full 40 minute session.

Maria Barrados made a statement and, with Gaston Arseneault, answered questions.

At 5:37 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/05/17 1:21 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson, CPC

Meeting No. 9

Wednesday, May 17, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Analyst.

WITNESSES:

Assembly of First Nations:

Richard Jock, Chief Executive Officer;

Bob Watts, Chief of Staff, National Chief's Office;

Daniel Wilson, Special Advisor, Accountability.

Quebec Native Women Inc.:

Ellen Gabriel, President.

Assemblée des Premières Nations du Québec et du Labrador:

Ghislain Picard, vice-chef régional.

Richard Jock and Bob Watts made statements and, with Daniel Wilson, answered questions.

Miriam Burke
Clerk of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 9

Wednesday, May 17, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:39 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst.

Witnesses: Assembly of First Nations: Richard Jock, Chief Executive Officer; Bob Watts, Chief of Staff, National Chief's Office; Daniel Wilson, Special Advisor, Accountability. *Quebec Native Women Inc.:* Ellen Gabriel, President. *Assemblée des Premières nations du Québec & du Labrador:* Ghislain Picard, Regional Vice Chief.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Richard Jock and Bob Watts made statements and, with Daniel Wilson, answered questions.

At 4:24 p.m., the sitting was suspended.

At 4:29 p.m., the sitting resumed.

Ellen Gabriel and Ghislain Picard made statements and answered questions.

At 5:14 p.m., the sitting was suspended.

At 5:16 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Pierre Poilievre moved, — That the Committee add the following four meeting blocks for the week of May 29th – June 2nd :

Monday: 3:30 – 5:30 p.m.; 6:00 – 9:00 p.m.;

Tuesday: 6:00 – 9:00 p.m.;

Wednesday: 6:00 – 9:00 p.m.; and,

Begin meetings at 8:00 a.m. on Tuesday and Thursday.

Alan Tonks moved, — That consideration of the motion be postponed to a later date after consultation and consideration of the witness list.

The question was put on the motion and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the motion was negatived.

The question was put on the motion of Pierre Poilievre and the results of the vote was announced:

YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the affirmative.

Accordingly, the motion was agreed to.

At 5:46 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-05-18 4:39 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 10

Thursday, May 18, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Blaine Calkins,
Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:
Nancy Holmes, Analyst.

WITNESSES:

Office of the Information Commissioner of Canada:

Hon. John M. Reid, Information Commissioner;

J. Alan Leadbeater, Deputy Information Commissioner;

Daniel Brunet, Director, Legal Services;

J. G.D. Dupuis, Director General, Investigations and Reviews.

John Reid made a statement and, with Alan Leadbeater, answered questions.

Miriam Burke
Clerk of the Committee

 [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 10

Thursday, May 18, 2006

The Legislative Committee on Bill C-2 met in a televised session at 9:00 a.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Blaine Calkins, Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Nancy Holmes, Analyst.

Witnesses: Office of the Information Commissioner of Canada: Hon. John M. Reid, Information Commissioner; J. Alan Leadbeater, Deputy Information Commissioner; Daniel Brunet, Director, Legal Services; J. G.D. Dupuis, Director General, Investigations and Reviews.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

John Reid made a statement and, with Alan Leadbeater, answered questions.

At 10:34 a.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/05/19 2:25 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson, CPC

Meeting No. 11

Monday, May 29, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Blaine Calkins,
Hon. Marlene Jennings,
Carole Lavallée,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Pierre Poilievre,
Benoît Sauvageau,
Joy Smith,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Analyst;
Élise Hurtubise-Loranger, Analyst.

WITNESSES:

Imagine Canada:

Teri A. Kirk, Vice-President, Public Policy and Government Relations.

Public Affairs Association of Canada:

Elaine Flis, President;
Chris Benedetti, Past President.

Canadian Council of Chief Executives:

David Stewart-Patterson, Executive Vice President;
John Dillon, Vice-President, Regulatory Affairs and General Counsel.

Elaine Flis made a statement and, with Chris Benedetti, answered questions.

David Stewart-Patterson made a statement and, with John Dillon, answered questions.

Miriam Burke
Clerk of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 11

Monday, May 29, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:33 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Blaine Calkins, Hon. Marlene Jennings, Carole Lavallée, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Pierre Poilievre, Benoît Sauvageau, Joy Smith, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Élise Hurtubise-Loranger, Analyst.

Witnesses: Imagine Canada: Teri A. Kirk, Vice-President, Public Policy and Government Relations.
Public Affairs Association of Canada: Elaine Flis, President; Chris Benedetti, Past President. *Canadian Council of Chief Executives:* David Stewart-Patterson, Executive Vice President; John Dillon, Vice-President, Regulatory Affairs and General Counsel.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Teri Kirk made a statement and answered questions.

At 4:13 p.m., the sitting was suspended.

At 4:17 p.m., the sitting resumed.

Elaine Flis made a statement and, with Chris Benedetti, answered questions.

David Stewart-Patterson made a statement and, with John Dillon, answered questions.

By unanimous consent, the Committee agreed to extend the sitting by 7 minutes.

At 5:14 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-06-02 1:15 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 12

Monday, May 29, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Ken Boshcoff,
Paul Dewar,
Hon. Marlene Jennings,
Carole Lavallée,
Tom Lukiwski,
James Moore,
Rob Moore,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
Hon. Robert Thibault,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:
Katherine Kirkwood, Analyst.

WITNESSES:

As an Individual:

Neil Finkelstein, Partner, Blake, Cassels & Graydon LLP.

Public Service Labour Relations Board:

Sylvie Matteau, Acting Chairperson;

Pierre Hamel, Executive Director of the Board and General Counsel.

Canadian Federation of Students:

Angela Regnier, National Deputy Chairperson;

Ian Boyko, Government Relations Coordinator.

Angela Regnier made a statement and, with Ian Boyko, answered questions.

Miriam Burke
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 12

Monday, May 29, 2006

The Legislative Committee on Bill C-2 met in a televised session at 6:04 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Ken Boshcoff, Paul Dewar, Hon. Marlene Jennings, Carole Lavallée, Tom Lukiwski, James Moore, Rob Moore, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, Hon. Robert Thibault, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst.

Witnesses: As an individual: Neil Finkelstein, Partner, Blake, Cassels & Graydon LLP. *Public Service Labour Relations Board:* Sylvie Matteau, Acting Chairperson; Pierre Hamel, Executive Director of the Board and General Counsel. *Canadian Federation of Students:* Angela Regnier, National Deputy Chairperson; Ian Boyko, Government Relations Coordinator.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Neil Finkelstein made a statement and answered questions.

At 6:45 p.m., the sitting was suspended.

At 6:50 p.m., the sitting resumed.

Sylvie Matteau made a statement and answered questions.

At 7:33 p.m., the sitting was suspended.

At 7:37 p.m., the sitting resumed.

Angela Regnier made a statement and, with Ian Boyko, answered questions.

Marlene Jennings gave notice of the following motion: — That this Committee mandates its Chair to invite a panel of former Chairs of the Public Service Labour Relations Board to appear so as to answer those questions regarding Bill C-2 that Mrs. Sylvie Matteau was unable to answer given her position of Acting Chairperson of said Board.

At 8:20 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/06/02 4:51 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 13

Tuesday, May 30, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Charles Hubbard,
Hon. Marlene Jennings,
Carole Lavallée,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Sweet,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:

Kristen Douglas, Analyst;
Sebastian Spano, Analyst.

House of Commons:

Wayne Cole, Legislative Clerk.

WITNESSES:

Democracy Watch:

Duff Conacher, Chairperson of the Government Ethics Coalition
and the Money in Politics Coalition.

As an Individual:

Henry E. McCandless, General Convenor, Citizens' Circle for
Accountability.

Office of the Privacy Commissioner of Canada:

Jennifer Stoddart, Privacy Commissioner;
Patricia Kosseim, General Counsel.

Canadian Union of Postal Workers:

Deborah Bourque, National President.

Canadian Union of Public Employees:

Toby Sanger, Economist;
Corina Crawley, Senior Research Officer.

Confédération des syndicats nationaux:

Pierre Patry, Treasurer;
Éric Lévesque, Counsel.

Association of Canadian Financial Officers:

Milt Isaacs, Chair;
Jonathan Hood, Vice President;
Serge Buy, Strategic Advisor.

Certified General Accountants Association of Canada:

Carole Presseault, Vice-President, Government and Regulatory
Affairs;
Rock Lefebvre, Vice-President, Research and Standards.

Jennifer Stoddart made a statement and, with Patricia Kosseim, answered questions.

Carole Pressault made a statement and, with Rock Lefebvre, answered questions.

Miriam Burke
Clerk of the Committee

Français Close

MINUTES OF PROCEEDINGS

Meeting No. 13

Tuesday, May 30, 2006

The Legislative Committee on Bill C-2 met in a televised session at 8:26 a.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Charles Hubbard, Hon. Marlene Jennings, Carole Lavallée, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Sweet, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Kristen Douglas, Analyst; Sebastian Spano, Analyst. *House of Commons:* Wayne Cole, Legislative Clerk.

Witnesses: Democracy Watch: Duff Conacher, Chairperson of the Government Ethics Coalition and the Money in Politics Coalition. *As an individual:* Henry E. McCandless, General Convenor, Citizens' Circle for Accountability. *Office of the Privacy Commissioner of Canada:* Jennifer Stoddart, Privacy Commissioner; Patricia Kosseim, General Counsel. *Canadian Union of Postal Workers:* Deborah Bourque, National President. *Canadian Union of Public Employees:* Toby Sanger, Economist; Corina Crawley, Senior Research Officer. *Confédération des syndicats nationaux:* Pierre Patry, Treasurer; Éric Lévesque, Counsel. *Association of Canadian Financial Officers:* Milt Isaacs, Chair; Jonathan Hood, Vice President; Serge Buy, Strategic Advisor. *Certified General Accountants Association of Canada:* Carole Presseault, Vice-President, Government and Regulatory Affairs; Rock Lefebvre, Vice-President, Research and Standards.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Henry McCandless and Duff Conacher made statements and answered questions.

By unanimous consent, it was agreed to extend the period for questioning the witnesses.

At 9:15 a.m., the sitting was suspended.

At 9:19 a.m., the sitting resumed.

Jennifer Stoddart made a statement and, with Patricia Kosseim, answered questions.

At 9:55 a.m., the sitting was suspended.

At 10:00 a.m., the sitting resumed.

Deborah Bourque made a statement and answered questions.

Corina Crawley and Toby Sanger made statements and answered questions.

Pierre Patry made a statement and answered questions.

At 10:42 a.m., the sitting was suspended.

At 10:48 a.m., the sitting resumed.

Milt Issacs made a statement and answered questions.

At 11:24 a.m., the sitting was suspended.

At 11:31 a.m., the sitting resumed.

Carole Pressault made a statement and, with Rock Lefebvre, answered questions.

At 12:03 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk Committee

2006/06/05 5:05 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 14

Tuesday, May 30, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Mark Eyking,
Carole Lavallée,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:
Katherine Kirkwood, Analyst;
Kristen Douglas, Analyst.

WITNESSES:

Canadian Newspaper Association:

David Gollob, Vice-President, Public Affairs;
Anne Kothawala, President and Chief Executive Officer.

B.C. Freedom of Information and Privacy Association (FIPA):

Richard Rosenberg, President.

As Individuals:

Ken Rubin;
David McKie;
Paul Thomas, Duff Roblin Professor of Government, University of
Manitoba.

B.C. Freedom of Information and Privacy Association (FIPA):

Stanley Tromp, Research Director.

Anne Kothawala made a statement and, with David Gollob, answered questions.

Richard Rosenberg made a statement and, with Stanley Tromp, answered questions.

Miriam Burke
Clerk of the Committee

 [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 14

Tuesday, May 30, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:30 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Hon. Mark Eyking, Carole Lavallée, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Kristen Douglas, Analyst.

Witnesses: Canadian Newspaper Association: David Gollob, Vice-President, Public Affairs; Anne Kothawala, President and Chief Executive Officer. *B.C. Freedom of Information and Privacy Association (FIPA):* Richard Rosenberg, President. *As individuals:* Ken Rubin; David McKie; Paul Thomas, Duff Roblin Professor of Government, University of Manitoba. *B.C. Freedom of Information and Privacy Association (FIPA):* Stanley Tromp, Research Director.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Anne Kothawala made a statement and, with David Gollob, answered questions.

Richard Rosenberg made a statement and, with Stanley Tromp, answered questions.

At 4:15 p.m., the sitting was suspended.

At 4:18 p.m., the sitting resumed.

Ken Rubin and David McKie made statements and answered questions.

At 5:00 p.m., the sitting was suspended.

At 5:03 p.m., the sitting resumed.

Paul Thomas made a statement and answered questions.

At 5:44 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/06/05 5:09 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 15

Tuesday, May 30, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Pierre Lemieux,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:
Nancy Holmes, Analyst;

Élise Hurtubise-Loranger, Analyst.

WITNESSES:

Canada Foundation for Innovation:

Eliot A. Phillipson, President and Chief Executive Officer;
Suzanne Corbeil, Vice-President, External Relations.

Canada Health Infoway:

Michael Sheridan, Chief Operating Officer;
Joan Roch, Chief Privacy Strategist.

Canada Millennium Scholarship Foundation:

Norman Riddell, Executive Director and Chief Executive Officer;
Andrew Parkin, Director, Research and Program Development.

Canada Foundation for Sustainable Development Technology:

Vicky J. Sharpe, President and Chief Executive Officer;
Christopher Bredt, Partner, Borden Ladner Gervais LLP.

Genome Canada:

Martin Godbout, President and Chief Executive Officer.

Canadian Health Services Research Foundation:

Elizabeth Davis, Chair, Board of Trustees;
Jonathan Lomas, Chief Executive Officer.

National Arts Centre:

David S.R. Leighton, Past Chairman of the Board;
Darrell Gregersen, Chief Executive Officer, NAC Foundation.

Eliot A. Phillipson made a statement and, with Suzanne Corbeil, answered questions.

Miriam Burke
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 15

Tuesday, May 30, 2006

The Legislative Committee on Bill C-2 met in a televised session at 6:00 p.m. this day, in Room 237-C, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Pierre Lemieux, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Nancy Holmes, Analyst; Élise Hurtubise-Loranger, Analyst.

Witnesses: Canada Foundation for Innovation: Eliot A. Phillipson, President and Chief Executive Officer; Suzanne Corbeil, Vice-President, External Relations. *Canada Health Infoway:* Michael Sheridan, Chief Operating Officer; Joan Roch, Chief Privacy Strategist. *Canada Millennium Scholarship Foundation:* Norman Riddell, Executive Director and Chief Executive Officer; Andrew Parkin, Director, Research and Program Development. *Canada Foundation for Sustainable Development Technology:* Vicky J. Sharpe, President and Chief Executive Officer; Christopher Bredt, Partner, Borden Ladner Gervais LLP. *Genome Canada:* Martin Godbout, President and Chief Executive Officer. *Canadian Health Services Research Foundation:* Elizabeth Davis, Chair, Board of Trustees; Jonathan Lomas, Chief Executive Officer. *National Arts Centre:* David S.R. Leighton, Past Chairman of the Board; Darrell Gregersen, Chief Executive Officer, NAC Foundation.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Eliot A. Phillipson made a statement and, with Suzanne Corbeil, answered questions.

Michael Sheridan and Norman Riddell made statements and answered questions.

At 6:30 p.m., the sitting was suspended.

At 7:06 p.m., the sitting resumed.

Alan Tonks took the Chair.

Vicky Sharpe, Martin Godbout, Sister Elizabeth Davis and David Leighton made statements and answered questions.

At 8:13 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/06/05 5:13 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 16

Wednesday, May 31, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Derek Lee,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Yasmin Ratansi,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

OTHER MEMBERS PRESENT:

Paul Dewar
and Brian Murphy.

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Director;
Jack Stilborn, Analyst.

WITNESSES:

United Steelworkers:

Kristen Agrell, Counsel, Legal Department, National Office of the
United Steelworkers Union.

Ontario Nurses' Association:

Shalom Schachter, Interest Arbitration and Long Term Care
Regulation Lead, Provincial Services Team.

As Individuals:

C.E.S. Franks, Professor Emeritus of Political Science, Queen's
University;
Arthur Kroeger.

Miriam Burke
Clerk of the Committee

[Français](#) [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 16

Wednesday, May 31, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:35 p.m. this day, in Room 237-C, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Derek Lee, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Yasmin Ratansi, Benoît Sauvageau, David Tilson and Alan Tonks.

Other Members present: Paul Dewar and Brian Murphy.

In attendance: Library of Parliament: Katherine Kirkwood, Director; Jack Stilborn, Analyst.

Witnesses: United Steelworkers: Kristen Agrell, Counsel, Legal Department, National Office of the United Steelworkers Union. *Ontario Nurses' Association:* Shalom Schachter, Interest Arbitration and Long Term Care Regulation Lead, Provincial Services Team. *As individuals:* C.E.S. Franks, Professor Emeritus of Political Science, Queen's University; Arthur Kroeger.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Shalom Schachter and Kristen Agrell made statements and answered questions.

At 4:14 p.m., the sitting was suspended.

At 4:18 p.m., the sitting resumed.

C.E.S. Franks made a statement and answered questions.

At 4:58 p.m., the sitting was suspended.

At 5:04 p.m., the sitting resumed.

Arthur Kroeger made a statement and answered questions.

At 5:48 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/06/02 4:52 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 17

Wednesday, May 31, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson,
Alan Tonks
and Mike Wallace.

OTHER MEMBERS PRESENT:

Paul Dewar.

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Director;
Sebastian Spano, Analyst.

WITNESSES:

As Individuals:

Jenefer Curtis, Independent Journalist.

Institut québécois d'éthique appliquée:

René Villemure, President;
Michel Quintal, Project Manager.

As Individuals:

Pierre F. Côté, Former Chief Electoral Officer of Québec.

Public Sector Pension Investment Board:

Paul Cantor, Chairperson;
Gordon J. Fyfe, President and Chief Executive Officer;
Assunta Di Lorenzo, First Vice-President, General Counsel and
Corporate Secretary.

Paul Cantor made a statement and, with Gordon Fyfe and Assunta Di Lorenzo, answered questions.

Miriam Burke
Clerk of the Committee

 [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 17

Wednesday, May 31, 2006

The Legislative Committee on Bill C-2 met in a televised session at 6:05 p.m. this day, in Room 237-C, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson, Alan Tonks and Mike Wallace.

Other Members present: Paul Dewar.

In attendance: Library of Parliament: Katherine Kirkwood, Director; Sebastian Spano, Analyst.

Witnesses: As an individual: Jenefer Curtis, Independent Journalist. *Institut québécois d'éthique appliquée:* René Villemure, President; Michel Quintal, Project Manager. *As an individual:* Pierre F. Côté, Former Chief Electoral Officer of Québec. *Public Sector Pension Investment Board:* Paul Cantor, Chairperson; Gordon J. Fyfe, President and Chief Executive Officer; Assunta Di Lorenzo, First Vice-President, General Counsel and Corporate Secretary.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Jenefer Curtis made a statement and answered questions.

At 6:36 p.m., the sitting was suspended.

At 6:43 p.m., the sitting resumed.

René Villemure and Pierre Côté made statements and answered questions.

At 7:27 p.m., the sitting was suspended.

At 7:31 p.m., the sitting resumed.

Paul Cantor made a statement and, with Gordon Fyfe and Assunta Di Lorenzo, answered questions.

At 8:03 p.m., the sitting was suspended.

At 8:09 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

STATEMENT BY THE CHAIR

Before we proceed to take up this bill at clause-by-clause, I would like to share some information with members of the committee.

As you know, there have been several situations in recent meetings where divisions on motions have resulted in tied votes and I have delivered a casting vote.

House of Commons Procedure and Practice explains the casting vote on pages 268 to 269 in this manner:

“The Speaker does not participate in debate and votes only in cases of an equality of voices; in such an eventuality, the Speaker is responsible for breaking the tie by casting a vote.

In theory, the Speaker has the same freedom as any other Member to vote in accordance with his or her conscience; however, the exercise of this responsibility could involve the Speaker in partisan debate, which would adversely affect the confidence of the House in the Speaker's impartiality.

Therefore, certain conventions have developed as a guide to Speakers ... in the infrequent exercise of the casting vote. Concisely put, the Speaker would normally vote to maintain the status quo.

This entails voting in the following fashion:

- whenever possible, leaving the matter open for future consideration and allowing for further discussion by the House;
- whenever no further discussion is possible, taking into account that the matter could somehow be brought back in the future and be decided by a majority of the House;
- leaving a bill in its existing form rather than having it amended.”

Therefore, without anticipating any results in clause-by-clause, I want to inform members that if there are tied votes on clauses of the bill, I will vote in the affirmative to leave the bill in its existing form.

If there are tied votes on amendments or subamendments, the Chair will vote in the negative in order to maintain the status quo and to keep the question open to further amendment either here in committee or in the House at report stage.

Finally, I intend to notify the Speaker of any casting votes delivered on amendments.

Normally, the Speaker will not select at report stage any motions which were defeated in committee.

However, the Speaker does exercise a discretionary power of selection and I intend to provide him with as much information as possible so that he may base his selection decisions for report stage in the House.

I trust that this information will assist the committee in its decision-making process on this bill.

Pierre Poilievre moved, — That the committee begin its clause by clause study of Bill C-2 on Tuesday June 6, 2006.

Pat Martin moved, — That the motion of Pierre Polievre be amended by replacing the words “on Tuesday, June 6, 2006.” with the following:

“on Wednesday, June 7, 2006 at 3:30 p.m.;

That Committee members shall submit their proposed amendments to the legislative drafting counsel by noon, Friday, June 2nd;

That Committee members shall submit their amendments in final form to the Clerk by Monday June 5th at 5:00 p.m.;

That the hours of the Committee during the clause by clause analysis of Bill C-2 shall be the same schedule as that of the week of May 29th;

That the Committee members may introduce additional amendments provided they are submitted to the Clerk 24 hours before the clause in question comes before the Committee“.

After debate, the question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 10; NAYS: 2.

The question was put on the motion, as amended, and it was agreed to, by a show of hands: YEAS: 11; NAYS: 1.

By unanimous consent, on motion of Pierre Poilievre, it was agreed, — That the Committee invite Rob Walsh and Richard Denis and others whom they deem necessary on Monday evening, June 5th or on Tuesday June 6, 2006 if they are unavailable on June 5 and that the time limit for testimony be no longer than 3 hours total.

Marlene Jennings moved, — That this Committee mandates its Chair to invite a panel of former Chairs of the Public Service Labour Relations Board to appear so as to answer those questions regarding Bill C-2 that Mrs. Sylvie Matteau was unable to answer given her position of Acting Chairperson of said Board.

The question was put on the motion and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the motion was negatived.

At 9:01 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/06/05 5:15 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 18

Thursday, June 1, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability:

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Carole Lavallée,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:

Kristen Douglas, Analyst;
Katherine Kirkwood, Analyst;
Sebastian Spano, Analyst;
Wade Riordan-Raaflaub, Analyst.

WITNESSES:

Conservative Party of Canada :

Michael D. Donison, Executive Director.

Liberal Party of Canada:

Steven MacKinnon, National Director.

New Democratic Party:

Eric Hébert, Federal Secretary.

Bloc Québécois:

Gilbert Gardner, General Director;
Martin Carpentier, Director.

As an Individual:

David R. Zussman, Jarislowsky Chair in Public Sector
Management, Faculty of Social Sciences, School of Medicine,
University of Ottawa.

Department of Justice:

Michel Bouchard, Associate Deputy Minister.

Department of Justice (Quebec):

Pierre Lapointe, Chief Prosecutor for the Attorney General of
Québec.

Department of Public Works and Government Services:

Yvette Aloïsi, Associate Deputy Minister.

New Democratic Party:

Jess Turk-Browne, Assistant Federal Secretary.

Department of Public Works and Government Services:

Emmy Verdun, Director General, Policy Risk, Integrity and
Strategic Management Sector, Acquisitions Branch.

Department of Justice:

Joe Wild, Senior Counsel, Legal Services, Treasury Board
Portfolio.

Yvette Aloïsi made a statement and, with Joe Wild, answered questions.

Roger Préfontaine
Committee Clerk

 [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 18

Thursday, June 1, 2006

The Legislative Committee on Bill C-2 met in a televised session at 8:08 a.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Carole Lavallée, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Kristen Douglas, Analyst; Katherine Kirkwood, Analyst; Sebastian Spano, Analyst; Wade Riordan-Raaflaub, Analyst.

Witnesses: Conservative Party of Canada : Michael D. Donison, Executive Director. *Liberal Party of Canada:* Steven MacKinnon, National Director. *New Democratic Party:* Eric Hébert, Federal Secretary. *Bloc Québécois:* Gilbert Gardner, General Director; Martin Carpentier, Director. *As an individual:* David R. Zussman, Jarislowsky Chair in Public Sector Management, Faculty of Social Sciences, School of Medicine, University of Ottawa. *Department of Justice:* Michel Bouchard, Associate Deputy Minister. *Department of Justice (Quebec):* Pierre Lapointe, Chief Prosecutor for the Attorney General of Québec. *Department of Public Works and Government Services:* Yvette Aloïsi, Associate Deputy Minister. *New Democratic Party:* Jess Turk-Browne, Assistant Federal Secretary. *Department of Public Works and Government Services:* Emmy Verdun, Director General, Policy Risk, Integrity and Strategic Management Sector, Acquisitions Branch. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

Michael Donison made a statement and answered questions.

Steven MacKinnon made a statement and answered questions.

Éric Hébert made a statement and answered questions.

Gilbert Gardner made a statement and answered questions.

At 9:12 a.m., the sitting was suspended.

At 9:17 a.m., the sitting resumed.

David Zussman made a statement and answered questions.

At 9:54 a.m., the sitting was suspended.

At 9:59 a.m., the sitting resumed.

Michael Bouchard made a statement and answered questions.

Pierre Lapointe made a statement and answered questions.

At 10:40 a.m., the sitting was suspended.

At 10:43 a.m., the sitting resumed.

Yvette Aloïsi made a statement and, with Joe Wild, answered questions.

At 11:03 a.m., the Committee adjourned to the call of the Chair.

Roger Préfontaine
Committee Clerk

2006/06/05 5:19 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 19

Monday, June 5, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:

Katherine Kirkwood, Director;
Kristen Douglas, Analyst.

WITNESSES:

House of Commons:

Rob Walsh, Law Clerk and Parliamentary Counsel;
Richard Denis, Deputy Law Clerk and Parliamentary Counsel.

Miriam Burke
Clerk of the Committee

 [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 19

Monday, June 5, 2006

The Legislative Committee on Bill C-2 met in a televised session at 5:01 p.m. this day, in Room 237-C, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Director; Kristen Douglas, Analyst.

Witnesses: House of Commons: Rob Walsh, Law Clerk and Parliamentary Counsel; Richard Denis, Deputy Law Clerk and Parliamentary Counsel.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Rob Walsh and Richard Denis answered questions.

The Committee proceeded to the consideration of matters related to Committee business.

Marlene Jennings moved, — That this committee, through its Chair, request the Minister of Justice and Attorney General of Canada to appear before the committee on Tuesday, June 6th, from 3:30 p.m. to 5:30 p.m..

The question was put on the motion and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the motion was negatived.

At 6:34 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-06-06 12:16 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 20

Wednesday, June 7, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:
Kristen Douglas, Analyst;
Katherine Kirkwood, Director.

WITNESSES:

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary, Accountability in Government.

Privy Council Office:

Patrick Hill, Acting Assistant Secretary, Machinery of Government;

James Stringham, Legal Counsel, Office of the Counsel to the Clerk of the Privy Council.

Department of Justice:

Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio;

OTHER PARTICIPANTS PRESENT:

Department of Justice:

Warren J. Newman, General Counsel.

Miriam Burke
Clerk of the Committee

 [Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 20

Wednesday, June 7, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:31 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: House of Commons: Susan Baldwin, Legislative Clerk; Joann Garbig, Legislative Clerk. *Library of Parliament:* Katherine Kirkwood, Analyst; Kristen Douglas, Analyst.

Witnesses: Treasury Board of Canada Secretariat: Susan M.W. Cartwright, Assistant Secretary, Accountability in Government. *Privy Council Office:* Patrick Hill, Acting Assistant Secretary, Machinery of Government; James Stringham, Legal Counsel, Office of the Counsel to the Clerk of the Privy Council. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio; Warren J. Newman, General Counsel, Constitutional and Administrative Law.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee commenced its clause-by-clause study of the Bill.

The witnesses answered questions.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

STATEMENT BY THE CHAIR

We're now about to embark on the next stage of our examination of Bill C-2, the detailed clause-by-clause consideration of the text of this legislative initiative. I'm told that there are 208 proposed amendments so far.

In accordance with Standing Order 75(1), Clause 1 of the Bill, the short title, would be postponed until the end of our examination. Clause 2, on the other hand, is something that we need to look at. We need to spend some time on it, and I'd like to make a statement as to how the chair intends to proceed.

Clause 2 contains the new Conflict of Interest Act, which has some 66 proposed sections. Other Clauses in Bill C-2 also relate directly to Clause 2. For example, Clause 4 contains a consequential amendment to the Canada Post Corporation Act. In order for us to proceed in a cogent fashion and consider all amendments that have an impact on one another, I will proceed to propose all such amendments before putting the question on Clause 2. This means that the amendments to Clause 2, Clause 3, SubClause 3

(1), Clause 28, and Clause 38 should be considered and voted on before we vote on Clause 2.

I am proceeding in this fashion so that this very complex Bill will be considered in a coherent manner and so that any decisions taken by the committee are being consistently applied throughout those Clauses of the Bill that are linked together. In this way, we will complete our study with a Bill that accurately reflects the committee's decisions. Once again, I intend to call one by one for debate each amendment in our package that relates to Clause 2, Clause 3, SubClause 3(1), Clause 28, and Clause 38. Then, once all those amendments are decided, I would put the question on Clause 2.

The manner of voting would then proceed as follows: the vote on Clause 2 will apply to Clauses 4 to 38, SubClauses 108(1) and 108(2), and Clause 227. If Clause 2 is agreed to, a separate vote is needed on Clause 3. If Clause 2 is negatived, the vote applies to Clause 3.

On Clause 2

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing, in the French version, line 2 on page 3 with the following:

“Ex-titulaire de charge publique qui, pendant son”

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing, in the French version, line 25 on page 5 with the following:

“décider s’il y a eu contravention à la”

Marlene Jennings moved, — That Bill C-2, in Clause 2, be amended

(a) by deleting lines 12 to 17 on page 6;

(b) by adding after line 5 on page 33 the following:

“(2) Nothing in this Part abrogates or derogates from any of the privileges, immunities and powers referred to in section 4 of the *Parliament of Canada Act*.”

After debate, the question was put on the amendment of Marlene Jennings and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing, in the French version, line 18 on page 7 with the following:

“cadeau ou autre avantage visé à l’alinéa (2)c)”

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing line 24 on page 7 with the following:

“ministerial staff shall”

Pierre Poilievre moved, — That Bill C-2, in Clause 2, be amended by replacing, in the French version, line 28 on page 7 with the following:

“raison que ce soit, sauf si leurs fonctions de titulaire de charge publique l'exigent ou sauf dans des circonstances”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

Pat Martin moved, — That Bill C-2, in Clause 2, be amended by adding after line 3 on page 8 the following:

“13.1 (1) No minister of the Crown, minister of state or parliamentary secretary shall offer membership in the caucus of the registered political party to which the minister or parliamentary secretary belongs to a member of the caucus of another registered political party.

(2) No minister of the Crown, minister of state or parliamentary secretary shall accept an offer from a member of the caucus of another registered political party for that member to join the caucus of the registered political party to which the minister or parliamentary secretary belongs.”

RULING BY THE CHAIR

This motion proposes that a minister or parliamentary secretary cannot offer membership in his or her party to a member of the opposition or accept membership in an opposition party.

House of Commons Procedure and Practice states, at page 654: “An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.”

I therefore rule that this motion is a new concept that is beyond the scope of Bill C-2 and is consequently inadmissible.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing, in the French version, line 33 on page 8 with the following:

“agit en son nom de conclure un contrat ou d'entretenir une relation d'emploi avec”

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing, in the English version, line 4 on page 9 with the following:

“the general public.”

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by

(a) replacing lines 18 to 20 on page 9 with the following:

“(2) Despite paragraph (1)(c), a reporting public office holder who is a director or officer in a Crown corporation as defined in”

(b) replacing line 27 on page 9 with the following:

“(3) Despite paragraph (1)(c), a reporting public office”

(c) replacing line 35 on page 9 with the following:

“restricts the political activities of a reporting public office”

Pierre Poilievre moved, — That Bill C-2, in Clause 2, be amended by replacing, in the French version, line 40 on page 9 with the following:

“publique de solliciter personnellement des fonds d’une personne”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing line 8 on page 12 with the following:

“himself or herself from any discussion, decision, debate or”

Pierre Poilievre moved, — That Bill C-2, in Clause 2, be amended by replacing lines 22 and 23 on page 13 with the following:

“ment, as a result of a contract with a public sector entity and the report must”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

Pierre Poilievre moved, — That Bill C-2, in Clause 2, be amended by replacing line 17 on page 14 with the following:

“interest, the reporting public office holder shall, within 30 days after the day on which the recusal took place,”

Marlene Jennings moved, — That the amendment be amended by replacing the word “30” with the word “60”

After debate, the question was put on the subamendment of Marlene Jennings and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

After debate, the question was put on the amendment of Pierre Poilievre, as amended, and it was agreed to.

Benoît Sauvageau moved, — That Bill C-2, in Clause 2, be amended by adding after line 3 on page 21 the following:

“(4) On application, the Commissioner may, on any conditions that the Commissioner specifies, exempt a former reporting public office holder from the application of subsections (1) and (2) if the Commissioner is of the opinion that the exemption would not be contrary to the purposes of this Act.

(5) After granting an exemption under subsection (4), the Commissioner shall, without delay, publish a notice setting out

(a) the name of the former reporting public office holder who was exempted;

(b) the conditions on which the exemption was granted; and

(c) the reasons for granting the exemption under subsection (4).”

After debate, by unanimous consent, the amendment was withdrawn.

Benoît Sauvageau moved, — That Bill C-2, in Clause 2, be amended

(a) by replacing lines 1 to 7 on page 22 with the following:

“38. (1) The Commissioner may exempt from the application of section 35 or 37 a former reporting public office holder who, while in office, was a member of ministerial staff who worked on average 15 hours or more a week.”

(b) by replacing line 12 on page 22 with the following:

“the staff of a minister of the Crown or a minister of state;”

(c) by replacing line 18 on page 22 with the following:

“or decision-making power in a minister's”

Pierre Poilievre moved, — That the amendment be amended by replacing section (b) of the amendment with the following:

“(b) by replacing, in the French version, lines 10 and 11 on page 22 with the following:

a) l'intéressé n'était pas membre supérieur d'un personnel ministériel;”

After debate, the question was put on the subamendment of Pierre Poilievre and it was agreed to.

After debate, the question was put on the amendment of Benoît Sauvageau, as amended, and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

Benoît Sauvageau moved, — That Bill C-2, in Clause 2, be amended by replacing lines 18 to 40 on page 24, lines 1 to 47 on page 25 and lines 1 to 10 on page 26 with the following:

“44. (1) Any person or group of persons who believes that a public office holder or former public office holder has contravened this Act may request that the Commissioner examine the matter.

(2) The Commissioner shall examine the matter described in the request.

(3) The Commissioner shall provide the Prime Minister, the author of the request and the public office holder or former public office holder with a report on each request received setting out the facts in question as well as the Commissioner's analysis and conclusions in relation to the request, and make the report available to the public.

(4) The Commissioner may not include in the report any information that he or she is required to keep confidential.”

After debate, the question was put on the amendment of Benoît Sauvageau and it was negatived, by a show of hands: YEAS: 2; NAYS: 10.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing, in the French version, line 30 on page 24 with the following:

“mettre fin à l'étude.”

Pat Martin moved, — That Bill C-2, in Clause 2, be amended

(a) by replacing lines 2 and 3 on page 25 with the following:

“vention and set out the reasons for believing a contravention has occurred.”

(b) by deleting lines 4 to 26 on page 25

(c) by replacing lines 31 and 32 on page 25 with the following:

“attention of the Commissioner, shall not disclose that information to”

Stephen Owen moved, — That the amendment be amended by replacing the word “reasons” with the following:

“reasonable grounds”

After debate, the question was put on the subamendment of Stephen Owen and it was agreed to.

After debate, the question was put on the amendment of Pat Martin, as amended, and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing, in the French version, line 35 on page 25 with the following:

“mauvaise foi, ou s'il a mis fin à l'étude en”

At 5:29 p.m., the sitting was suspended.

At 5:31 p.m., the Committee resumed sitting *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

At 5:32 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/06/30 11:49 a.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 21

Thursday, June 8, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Laurie Hawn,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

House of Commons:

Susan Baldwin, Legislative Clerk;
Joann Garbig, Legislative Clerk;
Melanie J. Mortensen, Legal Services.

Library of Parliament:

Katherine Kirkwood, Director;
Kristen Douglas, Analyst.

WITNESSES:

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary, Accountability in Government.

Department of Justice:

Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio.

Privy Council Office:

Marc Chénier, Counsel, Democratic Renewal Secretariat;
Patrick Hill, Acting Assistant Secretary, Machinery of Government.

Department of Justice:

Warren J. Newman, General Counsel, Constitutional and Administrative Law.

Privy Council Office:

James Stringham, Legal Counsel, Office of the Counsel to the Clerk of the Privy Council.

Miriam Burke
Clerk of the Committee

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MINUTES OF PROCEEDINGS

Meeting No. 21

Thursday, June 8, 2006

The Legislative Committee on Bill C-2 met in a televised session at 8:02 a.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Laurie Hawn, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: House of Commons: Susan Baldwin, Legislative Clerk; Joann Garbig, Legislative Clerk; Melanie J. Mortensen, Legal Services. *Library of Parliament:* Katherine Kirkwood, Director; Kristen Douglas, Analyst.

Witnesses: Treasury Board of Canada Secretariat: Susan M.W. Cartwright, Assistant Secretary, Accountability in Government. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio. *Privy Council Office:* Marc Chénier, Counsel, Democratic Renewal Secretariat; Patrick Hill, Acting Assistant Secretary, Machinery of Government. *Department of Justice:* Warren J. Newman, General Counsel, Constitutional and Administrative Law. *Privy Council Office:* James Stringham, Legal Counsel, Office of the Counsel to the Clerk of the Privy Council.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee resumed its clause-by-clause study of the Bill.

The witnesses answered questions.

On Clause 2,

Marlene Jennings moved, — That Bill C-2, in Clause 2, be amended by adding after line 38 on page 25 the following:

“(8.1) Where the Commissioner is of the opinion that a member of the Senate or House of Commons has failed to comply with the confidentiality provision of subsection (8), the Commissioner may refer the matter, in confidence, to the Speaker of the Senate or House of Commons.”

After debate, the question was put on the amendment of Marlene Jennings and it was agreed to.

On motion of Benoît Sauvageau, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing, in the French version, line 33 on page 26 with the following:

“des articles 44 et 45, le commissaire a le pouvoir”

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing, in

the French version, line 34 on page 27 with the following:

“l'étude visée aux articles 43, 44 ou 45 si, selon le”

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 2, be amended by replacing lines 7 and 8 on page 29 with the following:

“himself or herself in respect of a matter and a”

Benoît Sauvageau moved, — That Bill C-2, in Clause 2, be amended by adding after line 13 on page 30 the following:

“(2) Every public office holder who contravenes a provision that is not referred to in subsection (1) commits a violation and is liable to an administrative monetary penalty not exceeding \$50,000.”

Stephen Owen moved, — That the amendment be amended by replacing the word “\$50,000” with the word “\$5,000.

After debate, by unanimous consent, the subamendment was withdrawn.

After debate, the question was put on the amendment of Benoît Sauvageau and it was negatived, by a show of hands: YEAS: 2; NAYS: 10.

On motion of Benoît Sauvageau, it was agreed, — That Bill C-2, in Clause 2, be amended by adding after line 18 on page 33 the following:

“67. (1) Within five years after this Act receives royal assent, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as may be authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, submit a report on the review to Parliament, including a statement of any changes that the committee recommends.”

On Clause 3,

Pierre Poilievre moved, — That Bill C-2, in Clause 3, be amended by

(a) replacing, in the English version, line 29 on page 34 with the following:

“and functions that the Ethics Counsellor or”

(b) replacing, in the English version, line 38 on page 34 with the following:

“person or obligation in respect of which the Ethics”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 3, be amended by replacing lines 42 and 43 on page 34 with the following:

“Commons may, with respect to persons subject to and obligations established by *The Conflict of Interest and*”

On Clause 28

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 28, be amended by replacing, in the French version, line 36 on page 43 with the following:

“commissaire aux conflits d'intérêts et à l'éthique”

At 8:56 a.m., the sitting was suspended.

At 9:05 a.m., the sitting resumed.

Stephen Owen moved, — That Bill C-2, in Clause 28, be amended

(a) by replacing lines 1 to 4 on page 44 with the following:

“recognized party in the House of Commons and approval of the appointment by resolution of that House.”

(b) by replacing line 21 on page 44 with the following:

“(3) A resolution of the House of”

(c) by replacing line 32 on page 44 with the following:

“Council on address of the House of”

(d) by replacing line 31 on page 45 with the following:

“be paid out of moneys provided by the House of Commons”

(e) by replacing lines 39 to 42 on page 45 with the following:

“shall be considered by the Speaker of the House of Commons and then transmitted to the President of the Treasury Board, who shall lay it before the”

(f) by deleting lines 7 to 33 on page 46;

(g) by deleting lines 40 to 43 on page 47;

(h) by replacing lines 6 to 9 on page 48 with the following:

“section 88 for that year to the Speaker of the House of Commons, who shall table it in that House.”

On motion of Stephen Owen, it was agreed, — That the amendment be amended by removing after the

words “by resolution of that House” the following:

“(b) by relacing line 21 on page 44 with the following:

“(3) A resolution of the House of”

The question was put on the amendment of Stephen Owen, as amended, and it was negatived, by a show of hands: YEAS: 4; NAYS: 8.

Benoît Sauvageau moved, — That Bill C-2, in Clause 28, be amended by deleting lines 5 to 20 on page 44.

Pat Martin moved, — That the amendment be amended in line 11 by adding after the word “a” the words “current or” and in lines 13 and 14 by removing the words “has demonstrated” and replacing them with “or a person who has demonstrated”.

The Chair ruled the sub-amendment out of order as it was not amending the amendment but introducing a new idea, therefore requiring a new amendment to be introduced with the required 24 hour notice.

Pat Martin moved, — That Clause 2 be stood.

At 10:14 a.m., the sitting was suspended.

At 10:30 a.m., the sitting resumed.

The Committee resumed consideration of the motion of Pat Martin, — That Clause 2 be stood.

The question was put on the motion and it was negatived.

After debate, the question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negatived.

On motion of Benoît Sauvageau, it was agreed, — That Bill C-2, in Clause 28, be amended by deleting lines 21 to 25 on page 44.

Pat Martin moved, — That Bill C-2, in Clause 28, be amended by replacing line 11 on page 47 with the following:

“secretaries acting in their capacity as ministers of the Crown, ministers of state or parliamentary secretaries.”

It was agreed, — That the Committee revert back to line 29, on page 46 in Clause 28.

After debate, the question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Pat Martin moved, — That Bill C-2, in Clause 28, be amended by replacing line 29 on page 46 with the

following:

“secretaries acting in their capacity as ministers of the Crown, ministers of state or parliamentary secretaries.”

After debate, the question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Pat Martin moved, — That Bill C-2, in Clause 28, be amended

(a) by replacing line 33 on page 46 with the following:

“the Senate or its members, except ministers of the Crown, ministers of state or parliamentary secretaries.”

(b) by replacing line 15 on page 47 with the following:

“the House of Commons or its members, except ministers of the Crown, ministers of state or parliamentary secretaries.”

After debate, by unanimous consent, the amendment was withdrawn.

On Clause 38,

Marlene Jennings moved, — That Bill C-2 be amended by deleting Clause 38.

RULING BY THE CHAIR

House of Commons Procedure and Practice states, at page 656, “An amendment is out of order if it simply attempts to delete a clause, since in that case all that needs to be done is to vote against the adoption of the clause in question.”

At 11:15 a.m., the sitting was suspended.

At 11:25 a.m., the sitting resumed.

Pierre Poilievre moved, — That Clause 38 be stood.

By unanimous consent, the motion was withdrawn.

On New Clause 45.1,

Marlene Jennings moved, — That Bill C-2 be amended by adding after line 38 on page 57 the following new clause:

“45.1 The Act is amended by adding the following after section 404.4:

404.5 (1) No candidate or member may, directly or indirectly, accept any benefit or income from a trust established by reason of his or her position as a candidate or member.

(2) No candidate or member shall take any action that has as its purpose the circumvention of the prohibition referred to in subsection (1).

(3) Every person who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$2,000.

404.6 (1) Every candidate or member shall disclose to the Chief Electoral Officer every trust known to the candidate or member from which he or she could, currently or in the future, either directly or indirectly, derive a benefit or income.

(2) The disclosure shall be made in accordance with the process of disclosure established by the Chief Electoral Officer.

(3) Section 126 of the *Criminal Code* does not apply in respect of a contravention of subsection (1).

404.7 (1) If a trust disclosed by a candidate or member was established by the candidate or member or by a person who is not a relative of the candidate or member, the Chief Electoral Officer shall

(a) if he or she is of the opinion that it is legally possible for the candidate or member to terminate the trust, order the candidate or member to terminate the trust and not to use any distribution of the assets on its termination for the purpose of financing a nomination contest, a leadership contest or an electoral campaign within the meaning of this Act; or

(b) if he or she is of the opinion that it is not legally possible for the candidate or member to terminate the trust, order the candidate or member not to derive any benefit or income from the trust for the purpose of financing a nomination contest, a leadership contest or an electoral campaign within the meaning of this Act.

(2) If a trust disclosed by a candidate or member was established by a relative of the candidate or member, the Chief Electoral Officer shall order the member not to derive any benefit or income from the trust, including any distribution of its assets on its termination, for the purpose of financing a nomination contest, a leadership contest or an electoral campaign within the meaning of this Act.

(3) Subsections (1) and (2) do not apply in respect of a trust that meets the requirements of subsection 27(4) of the *Conflict of Interest Act* or a trust that is governed by a registered retirement savings plan or a registered education savings plan.

(4) No order made under this section has effect after polling day at a general election or after the day on which a member to which the order relates ceases to be a member and, for the purposes of this subsection, a person who was a member immediately before the issue of a writ for the election of a new member in place of that person is deemed to continue to be a member until the date of that election.

(5) Every person who contravenes an order made under this section is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$2,000.

(6) Persons who are related to a candidate or member by birth, marriage, common-law partnership, adoption or affinity are the candidate's or member's relatives for the purpose of this section unless the Chief Electoral Officer determines, either generally or in relation to a particular candidate or member, that it is not necessary for the purposes of this section that a person or class of persons be considered a relative of the candidate or member.

(7) For the purpose of subsection (6), “common law partnership” means the relationship between two persons who are cohabiting in a conjugal relationship, having so cohabited for a period of at least one year.”

After debate, the question was put on the amendment of Marlene Jennings and it was negatived, by a show of hands: YEAS: 2; NAYS: 10.

By unanimous consent, it was agreed, — That the Committee revert to the consideration of Clause 38.

On Clause 38,

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 38, be amended by replacing line 36 on page 51 with the following:

“powers referred to in sections 41.1 to 41.3, 86 and”

Pierre Poilievre gave notice of the following motion:

That the Committee extend its sittings hours until Bill C-2 is finished its clause-by-clause study and reported back to the House and that the following times be added to the existing schedule of meetings: Thursdays 3:30 to 5:30 p.m.; 6:00 to 9:00 p.m. Fridays 8 to 10 a.m.; 1 to 9 p.m. Mondays: 8 a.m. to 12 p.m.

At 12:01 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-06-30 12:00 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 22

Monday, June 12, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:
Kristen Douglas, Analyst;
Katherine Kirkwood, Director.

WITNESSES:

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary, Accountability in Government.

Privy Council Office:

Patrick Hill, Acting Assistant Secretary, Machinery of Government;

James Stringham, Legal Counsel, Office of the Counsel to the Clerk of the Privy Council.

Department of Justice:

Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio.

OTHER PARTICIPANTS PRESENT:

Privy Council Office:

Marc Chénier, Counsel.

Treasury Board of Canada Secretariat:

Daphne Meredith, Assistant secretary.

As an Individual:

Catrina Tapley, Executive Director, Accountability in Government Sector.

Miriam Burke
Clerk of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 22

Monday, June 12, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:31 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Kristen Douglas, Analyst. *House of Commons:* Susan Baldwin, Legislative Clerk; Joann Garbig, Legislative Clerk.

Witnesses: Treasury Board of Canada Secretariat: Susan M.W. Cartwright, Assistant Secretary, Accountability in Government; Daphne Meredith, Associate Secretary, Corporate Priorities and Planning Sector. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio. *Privy Council Office:* James Stringham, Legal Counsel, Office of the Counsel to the Clerk of the Privy Council; Marc Chénier, Counsel, Democratic Renewal Secretariat.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee resumed its clause-by-clause study of the Bill.

The witnesses answered questions.

On Clause 28,

Benoît Sauvageau moved, — That Bill C-2, in Clause 28, be amended by replacing, in the French version, line 12 on page 44 with the following:

“provincial qui, de l'avis du gouverneur en conseil, a”

After debate, the question was put on the amendment of Benoît Sauvageau and it was agreed to.

Pat Martin moved, — That Bill C-2, in Clause 28, be amended by adding after line 20 on page 44 the following:

“(c) a former Senate Ethics Officer or former Ethics Commissioner.”

After debate, the question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 6; NAYS: 5.

Clause 2, as amended, carried by a show of hands: YEAS: 8; NAYS: 4.

Accordingly, Clause 3 as amended, Clauses 4 to 27 inclusively, Clause 28, as amended, Clauses 29 to 37 inclusively and Clause 38 as amended carried.

On new Clause 3.1,

Pierre Poilievre moved, — That Bill C-2 be amended by adding after line 48 on page 34 the following new clause:

“3.1 (1) In this section, the “other Act” means, before the day on which section 66 of this Act comes into force, the *Lobbyists Registration Act* and, from that day, the *Lobbying Act*.

(2) If, on the day on which section 27 of this Act comes into force, section 10.11 of the other Act, as enacted by section 75 of this Act, is not yet in force, persons who would otherwise be bound by section 29 of the *Conflict of Interest and Post-Employment Code for Public Office Holders* by virtue of their office and who cease to hold that office on or after that day but before the day on which that section 10.11 comes into force, are subject to the obligations established by section 29 of that Code, despite the coming into force of section 27 of this Act.

(3) The registrar referred to in section 8 of the other Act has, with respect to the persons and obligations referred to in subsection (2), the same powers, duties and functions that the Ethics Commissioner would have in relation to those persons and obligations if section 27 of this Act were not in force.”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

RULING BY THE CHAIR

The next Clause, Clause 39, relates to the subject matter of gifts to candidates. There are a series of other clauses that are related to this particular Clause.

I am suggesting that we follow the same procedure we did with Clause 2 and that we deal with all of the amendments that pertain to the subject matter of Clause 39 before I put the question on Clause 39.

In other words, we'll do the same process for Clause 39 as we did for Clause 2.

We are going to deal with the amendments to Clause 40. Once this is done, we will put the question on Clause 39. Its results will be applied to all the consequential clauses—Clause 40, Clause 56, and Clause 58.

The Chair called Clause 40.

On Clause 40,

Marlene Jennings moved, — That Bill C-2, in Clause 40, be amended by deleting lines 27 to 33 on page 55.

After debate, the question was put on the amendment of Marlene Jennings and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Clause 39 carried.

Accordingly Clause 40, as amended, and Clauses 56 and 58 carried.

On new Clause 40.1,

Stephen Owen moved, — That Bill C-2 be amended by adding after line 33 on page 55 the following new clause:

“40.1 The Act is amended by adding the following after section 318:

PART 15.1

RECALL PROCEDURE

318.1 (1) A person may apply to the Chief Electoral Officer for the issuance of a petition to recall a member of the House of Commons if

(a) within thirty days before the application, the member became a member of a registered party that did not endorse the member in the last election; and

(b) the person was included in the final list of electors for the electoral district of the member in the last election of the member.

(2) The application shall include \$5,000 and the following information in writing:

(a) the name, telephone number and civic and mailing addresses of the applicant;

(b) the name of the member; and

(c) a statement of 200 words or less setting out why, in the opinion of the person, the member should be recalled.

(3) If the Chief Electoral Officer is satisfied that the conditions set out in subsections(1) and (2) have been met, the Chief Electoral Officer shall

(a) submit a copy of the application to the member and to the Speaker of the House of Commons and inform them in writing that a petition for the recall of the member will be issued in seven days; and

(b) issue the prescribed petition to the applicant seven days after the member and the Speaker have received the information referred to in paragraph (a).

318.2 The provisions of Parts 16 to 18 of the *Canada Elections Act* apply with respect to the recall procedure described in this Act, with any modifications that the circumstances require.

318.3 (1) The member ceases to hold office and the seat of the member becomes vacant if the petition for the recall of the member

(a) is returned to the Chief Electoral Officer within 60 days after it is issued;

(b) contains the signature and civic address of more than 50% of electors who voted in the electoral district of the member for the last election of the member; and

(c) contains the name and civic address of a witness to each signature.

(2) The Chief Electoral Officer shall, within 40 days after receiving the petition from the applicant, inform the applicant, the member and the Speaker of the House of Commons whether the petition meets the requirements set out in subsection (1).

(3) If the petition meets the requirements set out in subsection (1), the Chief Electoral Officer shall, within seven days after informing the applicant, the member and the Speaker of the House of Commons under subsection (2),

(a) issue a writ for the election of a member to fill the vacancy; and

(b) reimburse \$5,000 to the applicant.”

RULING BY THE CHAIR

This amendment proposes a procedure for recalling a member of Parliament. The *Canada Elections Act* is extensively amended by this bill, but those amendments are concerned with contributions, returning officers, and so on. Crossing the floor and the recall of a member are not mentioned. *The House of Commons Procedure and Practice* states, on page 654: An amendment to a bill that was referred to committee after second reading is out of order if it is beyond the scope and principle of the bill. I therefore rule that this amendment is a new concept that is beyond the scope of Bill C-2 and is consequently inadmissible.

Whereupon, Stephen Owen appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained, by a show of hands: YEAS: 8; NAYS: 4.

STATEMENT BY THE CHAIR

The next clause that we will deal with is Clause 41 which relates to the subject matter of contributions from corporations, unions and associations. There are a series of other clauses which are related to this particular clause. As we did previously, I propose that we deal with all the amendments that pertain to the subject matter of Clause 41 before I put the question on Clause 41.

Therefore, we will first deal with the amendments to Clause 43. Once this is done, I will put the question on Clause 41 and its results will be applied to all the consequential clauses – namely Clauses 43, 52, 54, and 60 to 64.

On Clause 43,

Pat Martin moved, — That Bill C-2, in Clause 43, be amended by replacing line 19 on page 56 with the following:

“43. Section 404.1 of the Act is replaced by the following:

404.1 If a member who was endorsed as a candidate by a registered party in the last election leaves that party to join the caucus of another registered party, the registered association of the first registered

party or the official agent of the candidate shall, on request, repay to an individual any contribution made by the individual to the candidate in respect of that election.”

RULING BY THE CHAIR

This amendment proposes a repayment of contributions in cases where a member ceases to be a caucus member of the party from which they were elected. *The House of Commons Procedure and Practice* states at page 654: An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill. The chair rules that it is. Therefore, I must rule that this amendment is a new concept that is beyond the scope of Bill C-2 and is consequently inadmissible.

Clause 41 carried.

Accordingly, Clauses 43, 52, 54 and Clauses 60 to 64 carry.

On Clause 42,

RULING BY THE CHAIR

The vote on Clause 42 will apply to Clauses 45, 48, 49, 50, 51, 53, 55, and 57.

Clause 42 carried.

Accordingly, Clauses 45, 48, 49, 50, 51, 53, 55 and 57 carried.

On New Clause 42.1,

Marlene Jennings moved, — That Bill C-2 be amended by adding after line 18 on page 56 the following new clause:

“42.1 Subsection 404(1) of the Act is replaced by the following:

404. (1) No person or entity other than an individual who is a citizen or permanent resident as defined in subsection 2(1) of the *Immigration and Refugee Protection Act* and who is at least 18 years of age shall make a contribution to a registered party, a registered association, a candidate, a leadership contestant or a nomination contestant.”

Debate arose thereon.

Pierre Poilievre moved, — That the amendment be amended by deleting all the words after the words “the following new clause:” and substituting the following:

“42.1 Section 404 of the Act is amended by adding the following after subsection (1):

(1.1) In addition, no individual shall make a contribution to a leadership contestant or to a nomination contestant unless the individual is 18 years of age or older.”

After debate, the question was put on the subamendment of Pierre Poilievre and it was negatived, by a show of hands: YEAS: 5; NAYS: 7.

The question was put on Clause 42.1 and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, Clause 42.1 was negatived.

Clause 44 carried.

STATEMENT BY THE CHAIR

Clause 46 is consequential to 47, so the chairman is proposing that we do the amendments to clause 46.

On Clause 46,

Stephen Owen moved, — That Bill C-2, in Clause 46, be amended

(a) by replacing line 3 on page 58 with the following:

“(a) \$2,000 in total in any calendar year to a”

(b) by replacing line 5 on page 58 with the following:

“(a.1) \$2,000 in total in any calendar year to”

(c) by replacing line 9 on page 58 with the following:

“(b) \$2,000 in total to a candidate for a”

(d) by replacing line 12 on page 58 with the following:

“(c) \$2,000 in total to the leadership contest-”

(e) by replacing lines 28 and 29 on page 58 with the following:

“(a) contributions that do not exceed in total the sum of \$2,000 and convention delegate fees for a nomination contestant or”

(f) by replacing line 33 on page 58 with the following:

“(b) contributions that do not exceed \$2,000”

(g) by replacing line 38 on page 58 with the following:

“(c) contributions that do not exceed the sum of \$2,000 and convention delegate fees by a leadership contestant in a”

After debate, the question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negated.

Pat Martin moved, — That Bill C-2, in Clause 46, be amended by adding after line 13 on page 58 the following:

“(1.1) No individual shall make a contribution to a candidate by means of a loan of money to the candidate unless the loan is made through a bank, credit union or other financial institution.”

The question was put on the amendment of Pat Martin and it was negated, by a show of hands: YEAS: 1; NAYS: 11.

Pat Martin moved, — That Bill C-2, in Clause 46, be amended by adding after line 13 on page 58 the following:

“(1.1) Any loan of money that is made to a candidate by an individual is considered to be, for the purposes of subsection (1), a contribution made by that individual.”

The question was put on the amendment of Pat Martin and it was negated, by a show of hands: YEAS: 1; NAYS: 11.

Pat Martin moved, — That Bill C-2, in Clause 46, be amended by adding after line 13 on page 58 the following:

“(1.1) Any contribution made to a candidate by a minor is considered to be made by the parent of the minor designated for that purpose by the parents or guardian of the minor.”

At 5:34 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-06-30 12:50 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 23

Monday, June 12, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

OTHER MEMBERS PRESENT:

Paul Dewar.

IN ATTENDANCE:

Subcommittee on Agenda and Procedure of the Standing Committee on Environment and Sustainable Development:

Kristen Douglas.

House of Commons:

Élise Hurtubise-Loranger;

Susan Baldwin, Legislative Clerk;

Joann Garbig, Legislative Clerk.

WITNESSES:

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary, Accountability in Government.

Privy Council Office:

James Stringham, Legal Counsel, Office of the Counsel to the Clerk of the Privy Council.

Department of Justice:

Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio.

Privy Council Office:

Marc Chénier, Counsel, Democratic Renewal Secretariat.

Treasury Board of Canada Secretariat:

Daphne Meredith, Associate Secretary, Corporate Priorities and Planning Sector.

OTHER PARTICIPANTS PRESENT:

House of Commons:

Steve Chaplin, Legal Counsel, Legal Services.

As an Individual:

Michèle Hurteau.

Miriam Burke
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 23

Monday, June 12, 2006

The Legislative Committee on Bill C-2 met in a televised session at 6:16 p.m. this day, in Room 253-D, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Paul Dewar, Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: House of Commons: Susan Baldwin, Legislative Clerk; Joann Garbig, Legislative Clerk; Steve Chaplin, Legal Counsel, Legal Services. *Library of Parliament:* Kristen Douglas, Analyst; Nancy Holmes, Analyst.

Witnesses: Treasury Board of Canada Secretariat: Susan M.W. Cartwright, Assistant Secretary, Accountability in Government; Daphne Meredith, Associate Secretary, Corporate Priorities and Planning Sector. *Privy Council Office:* James Stringham, Legal Counsel, Office of the Counsel to the Clerk of the Privy Council; Marc Chénier, Counsel, Democratic Renewal Secretariat. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio; Michèle Hurteau, Senior Counsel.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee resumed its clause-by-clause study of the Bill.

The witnesses answered questions.

On Clause 46,

The Committee resumed consideration of the amendment of Pat Martin, — That Bill C-2, in Clause 46, be amended by adding after line 13 on page 58 the following:

“(1.1) Any contribution made to a candidate by a minor is considered to be made by the parent of the minor designated for that purpose by the parents of the minor.”

Pat Martin moved, — That the amendment be amended by adding after the words “parent of the minor” the following:

“under the age of 14”

After debate, the question was put on the subamendment of Pat Martin and it was negatived.

The question was put on the amendment of Pat Martin and it was negatived.

Clause 46 carried.

Accordingly, Clause 47 carried.

Clause 59 carried.

On New Clause 59.1,

Paul Dewar moved, — That Bill C-2 be amended by adding after line 9 on page 64 the following new clause:

“59.1 Paragraph 534(1)(b) of the Act is replaced by the following:

(b) any measures that have been taken under subsection 17(1) or (3) or sections 509 to 513 since the issue of the writs that he or she considers should be brought to the attention of the House of Commons, including

(i) any inquiry that the Chief Electoral Officer has directed the Commissioner to make under section 510 and the results of any such inquiry,

(ii) any prosecution that the Commissioner has instituted under section 511 and the results of any such prosecution,

(iii) any injunction that the Commissioner has applied for under section 516 and the results of any such application,

(iv) any compliance agreement that the Commissioner has entered into under section 517, and

(v) any deregistration of a registered party that has taken place under section 521.1.”

RULING BY THE CHAIR

This amendment proposes an amendment to the *Canada Elections Act* relating to reporting provisions. *House of Commons Procedure and Practice* states at page 654 that “an amendment is inadmissible if it amends a statute that is not before the committee or a section of the parent Act unless it is being specifically amended by a clause of the bill.” Since paragraph 534(1)(b) of the *Canada Elections Act* is not being amended by Bill C-2, it's inadmissible to propose such an amendment.

On Clause 65,

STATEMENT BY THE CHAIR

Clause 65 amends the *Lobbyists Registration Act*. There are a series of other clauses related to this particular clause. I propose that we deal with all amendments that pertain to the subject matter of Clause 65 before I put the question on Clause 65. Therefore, we will first deal with the amendments to Clauses 67, 68, 69, 72, 75, 77, 78, 83, 88, and 89. Once that is done, I will put the question on Clause 65, and its results will be applied to all the consequential clauses, namely, Clauses 66 to 98. Therefore, I will stand Clause 65 to call for the first amendment, which relates to Clause 67.

By unanimous consent, Clauses 65 and 66 were stood.

On Clause 67,

Benoît Sauvageau moved, — That Bill C-2, in Clause 67, be amended by adding after line 27 on page 65 the following:

““communicate” includes to communicate by electronic means.”

After debate, by unanimous consent, the amendment was withdrawn.

Benoît Sauvageau moved, — That Bill C-2, in Clause 67, be amended by adding after line 10 on page 66 the following:

““written” includes in any electronic form.”

After debate, by unanimous consent, the amendment was withdrawn.

Stephen Owen moved, — That Bill C-2, in Clause 67, be amended by adding after line 10 on page 66 the following:

“d) the leader, deputy leader, house leader or whip of a party and any senior staff employed in his or her office, including any unpaid senior advisors.”

Stephen Owen moved, — That the amendment be amended by deleting the words “whip of a party and”

After debate, the question was put on the subamendment of Stephen Owen and it was negatived, by a show of hands: YEAS: 4; NAYS: 8.

The question was put on the amendment of Stephen Owen and it was negatived, by a show of hands: YEAS: 4; NAYS: 8.

Pierre Poilievre moved, — That Bill C-2, in Clause 67, be amended by adding after line 10 on page 66 the following:

“(3) Section 2 of the Act is amended by adding the following after subsection (2):

(3) Any person identified by the Prime Minister as having had the task of providing support and advice to him or her during the transition period leading up to the swearing in of the Prime Minister and his or her ministry is subject to this Act, except subsections 10.11(2) to (4), as if the person were a senior public office holder during that period.”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

At 7:41 p.m., the sitting was suspended.

At 7:48 p.m., the sitting resumed.

On Clause 68,

On motion of Benoît Sauvageau, it was agreed, — That Bill C-2, in Clause 68, be amended by deleting lines 20 to 24 on page 66.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 68, be amended by replacing, in the English version, line 11 on page 68 with the following:

“4.4 The Commis-”

On Clause 69,

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 69, be amended by replacing lines 11 to 24 on page 69 with the following:

“month involving a senior public office holder and relating to the undertaking,

(i) the name of the senior public office holder who was the object of the communication,

(ii) the date of the communication,

(iii) particulars, including any prescribed particulars, to identify the subject-matter of the communication, and”

Stephen Owen moved, — That Bill C-2, in Clause 69, be amended by adding after line 37 on page 69 the following:

“(3.1) The senior public office holder referred to in subparagraph (3)(a)(i) shall file a return, in the prescribed form and manner, not later than 15 days after the end of the month in which the communication or the meeting took place, that sets out

(a) the name of the individual who was the object of the communication or with whom the meeting was arranged;

(b) the date of the communication or meeting;

(c) particulars, including any prescribed particulars, to identify the subject-matter of the communication or meeting; and

(d) any other information that is prescribed.”

After debate, the question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negatived.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 69, be amended by

(a) replacing lines 4 and 5 on page 70 with the following:

“during the period with respect to”

(b) replacing line 14 on page 70 with the following:

“nication was made as”

On Clause 72,

Pierre Poilievre moved, — That Bill C-2, in Clause 72, be amended by adding after line 26 on page 73 the following:

“(2) Section 9 of the Act is amended by adding the following after subsection (3):

(3.1) Every individual who is required to submit returns or other documents referred to in subsection (1), or to provide responses referred to in that subsection, shall provide in the prescribed time, manner and form any clarification or correction to them that the Commissioner requires.”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

On Clause 75,

Stephen Owen moved, — That Bill C-2, in Clause 75, be amended by replacing line 21 on page 74 with the following:

“period of three years after the day on which the”

After debate, the question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negatived.

On Clause 77,

Benoît Sauvageau moved, — That Bill C-2, in Clause 77, be amended by replacing line 26 on page 75 with the following:

“investigation if he or she is requested to do so by a member of the Senate or House of Commons or has reason to believe”

Marlene Jennings moved, — That the amendment be amended by replacing the words after “he or she” with the words “has reason to believe, including on the basis of information received from a member of the Senate or the House of Commons,”

After debate, the question was put on the subamendment of Marlene Jennings and it was agreed to.

The question was put on the amendment of Benoît Sauvageau, as amended, and it was agreed to.

Pierre Poilievre moved, — That Bill C-2, in Clause 77, be amended by replacing, in the English version,

line 38 on page 75 with the following:

“(c) dealing with the matter would serve”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

On Clause 78,

On motion of Marlene Jennings, it was agreed, — That Bill C-2, in Clause 78, be amended by replacing line 29 on page 77 with the following:

“conclusions, and submit it to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it.”

On motion of Marlene Jennings, it was agreed, — That Bill C-2, in Clause 78, be amended

(a) by replacing lines 5 to 7 on page 78 with the following:

“to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it.

11.1 (1) The Commissioner may, at any time, prepare a special report concerning”

(b) by adding after line 13 on page 78 the following:

“(2) The Commissioner shall submit the special report to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it.”

Paul Dewar moved, — That Bill C-2, in Clause 78, be amended by adding after line 13 on page 78 the following:

“**11.2** Each special report of the Commissioner made under section 11.1 shall be submitted to the Speakers of both Houses of Parliament and shall be laid before each House by the Speaker of that House immediately after its receipt or, if that House is not then sitting, on the first day next thereafter that that House is sitting.”

After debate, by unanimous consent, the amendment was withdrawn.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 78, be amended by adding after line 13 on page 78 the following:

“**11.2** Every report to Parliament made by the Commissioner shall be made by being transmitted to the Speaker of the Senate and to the Speaker of the House of Commons for tabling in those Houses.”

On Clause 83,

Pierre Poilievre moved, — That Bill C-2, in Clause 83, be amended by replacing line 7 on page 80 with the following:

“**83.** In sections 84 to 88.2 of this Act, the”

By unanimous consent, the amendment was allowed to stand.

On Clause 88,

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 88, be amended by replacing, in the French version, lines 26 to 30 on page 81 with the following:

“**88.** (1) Il est entendu que l’article 10.11 de l’autre loi, édicté par l’article 75 de la présente loi, ne s’applique pas aux personnes visées par cet article 10.11 qui ont cessé d’exercer leurs fonctions avant la date”

On Clause 89,

Paul Dewar moved, — That Bill C-2, in Clause 89, be amended by replacing lines 4 to 10 on page 82 with the following:

“**16.2** (1) The Commissioner of Lobbying shall refuse to disclose any record requested under this Act that contains information that was obtained or created by the Commissioner or on the Commissioner’s behalf in the course of an investigation conducted by or under the authority of the Commissioner.

(2) However, the Commissioner may not refuse to disclose any record that was created by the Commissioner or on the Commissioner’s behalf in the course of an investigation conducted by the Commissioner or under the Commissioner’s authority once the investigation is complete and all related proceedings, if any, are final.”

Debate arose thereon.

Pierre Poilievre moved, — That the amendment be amended by substituting the following for the proposed text:

“**16.2** (1) The Commissioner of Lobbying shall refuse to disclose any record requested under this Act that contains information that was obtained or created by the Commissioner or on the Commissioner’s behalf in the course of an investigation conducted by, or under the authority of, the Commissioner.

(2) However, the Commissioner shall not refuse under subsection (1) to disclose any record that contains information that was created by the Commissioner or on the Commissioner’s behalf in the course of an investigation conducted by, or under the authority of, the Commissioner once the investigation and all related proceedings, if any, are finally concluded.”

At 9:01 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/06/30 1:33 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 24

Tuesday, June 13, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Pat Martin,
James Moore,
Rob Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
Alan Tonks.

OTHER MEMBER PRESENT:

Paul Dewar.

IN ATTENDANCE:

Library of Parliament:

Kristen Douglas, Analyst
Katherine Kirkwood, Director

OTHER PARTICIPANTS PRESENT:

House of Commons:

Susan Baldwin, Legislative Clerk.

Department of Justice:

Michel Bouchard, Associate Deputy Minister.

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary.

Privy Council Office:

Marc Chénier, Counsel.

Department of Finance:

Werner Heiss, Director and General Counsel.

As Individuals:

Michèle Hurteau.

Department of Finance:

Paul-Henri Lapointe, Assistant Deputy Minister.

Treasury Board of Canada Secretariat:

Daphne Meredith, Assistant secretary.

As Individuals:

Marc O'Sullivan, Acting Assistant Secretary to the Cabinet.

Office of the Commissioner of Review Tribunals Canada Pension Plan/Old Age Security (CPP)/OAS):

Chantal Proulx, Legal Counsel.

As Individuals:

Mary Anne Stevens.

Privy Council Office:

James Stringham, Legal Counsel.

Department of Justice:
Joe Wild, Senior Counsel.

Miriam Burke
Clerk of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 24

Tuesday, June 13, 2006

The Legislative Committee on Bill C-2 met in a televised session at 8:03 a.m. this day, in Room 237-C, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Dean Del Mastro, Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Kristen Douglas, Analyst. *House of Commons:* Susan Baldwin, Legislative Clerk; Joann Garbig, Legislative Clerk.

Witnesses: Department of Justice: Michel Bouchard, Associate Deputy Minister; Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio; Michèle Hurteau, Senior Counsel. *Treasury Board of Canada Secretariat:* Susan M.W. Cartwright, Assistant Secretary, Accountability in Government. *Department of Finance:* Werner Heiss, Director and General Counsel, General Legal Services. *Office of the Commissioner of Review Tribunals Canada Pension Plan/Old Age Security (CPP)/OAS):* Chantal Proulx, Legal Counsel, Legal Services.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee resumed its clause-by-clause study of the Bill.

On Clause 89,

The Committee resumed consideration of the subamendment of Pierre Poilievre, — That the amendment be amended by substituting the following for the proposed text:

“16.2 (1) The Commissioner of Lobbying shall refuse to disclose any record requested under this Act that contains information that was obtained or created by the Commissioner or on the Commissioner’s behalf in the course of an investigation conducted by, or under the authority of, the Commissioner.

(2) However, the Commissioner shall not refuse under subsection (1) to disclose any record that contains information that was created by the Commissioner or on the Commissioner’s behalf in the course of an investigation conducted by, or under the authority of, the Commissioner once the investigation and all related proceedings, if any, are finally concluded.”

The question was put on the subamendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the subamendment was negatived.

At 8:17 a.m., the sitting was suspended.

At 8:19 a.m., the sitting resumed.

After debate, the question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negatived.

Clause 65 carried.

Accordingly clauses 66 to 88 and 89 to 98 carried.

On New Clause 88.1,

RULING BY THE CHAIR

The vote on new clause 88.1 will apply to new clause 88.2 and to the proposed amendment to clause 83, although clause 83 will be voted on separately.

Pierre Poilievre moved, — That Bill C-2 be amended by adding after line 42 on page 81 the following new clause:

“**88.1** (1) No individual who was a member of a transition team who ceased to carry out his or her functions as a transition team member after January 24, 2006 but before the coming into force of section 10.11 of the other Act, as enacted by section 75 of this Act, shall, during a period of five years after the day on which he or she ceased to carry out those functions

(a) carry on any of the activities referred to in paragraph 5(1)(a) or (b) of the other Act in the circumstances referred to in subsection 5(1) of the other Act;

(b) if the individual is employed by an organization, carry on any of the activities referred to in paragraph 7(1)(a) of the other Act on behalf of that organization; and

(c) if the individual is employed by a corporation, carry on any of the activities referred to in paragraph 7(1)(a) of the other Act on behalf of that corporation if carrying on those activities would constitute a significant part of the individual's work on its behalf.

(2) Subsection (1) does not apply to a member of a transition team in respect of any activities referred to in that subsection that were carried out before the day on which this Act is assented to.

(3) Every individual who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000.

(4) Proceedings by way of summary conviction in respect of an offence under this section may be instituted at any time within but not later than five years after the day on which the registrar referred to in section 8 of the other Act became aware of the subject-matter of the proceedings but, in any case, not

later than ten years after the day on which the subject-matter of the proceedings arose.

(5) For the purposes of this section, members of a transition team are those persons identified by the Prime Minister as having had the task of providing support and advice to him or her during the transition period leading up to the swearing in of the Prime Minister and his or her ministry.

88.2 The registrar referred to in section 8 of the other Act may make public the nature of an offence committed under section 88.1, the name of the person who committed it and the punishment imposed.”

The question was put on the amendment of Pierre Poilievre and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Accordingly, New Clauses 88.1 and 88.2 and the amendment to Clause 88 carried.

Clause 83, as amended, carried on division.

On Clause 99,

Benoît Sauvageau moved, — That Bill C-2, in Clause 99, be amended by replacing lines 8 and 9 on page 84 with the following:

“to a fine of not more than \$50,000.”

The question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negatived.

Pat Martin moved, — That Bill C-2, in Clause 99, be amended by adding after line 5 on page 86 the following:

“**41.4** Any member of the House of Commons who was elected with the endorsement of a registered political party and ceases to be a member of the caucus of that party during the term for which he or she was elected shall sit in the House of Commons as an independent and shall be considered as such for all proceedings in the House of Commons during the remainder of the member's term.”

RULING BY THE CHAIR

The House of Commons Procedure and Practice states on page 654: “An amendment to a bill that was referred to a committee after second reading or a bill at report stage is out of order if it is beyond the scope and principle of the bill.” The chairman rules that this amendment is a new concept that is beyond the scope of Bill C-2 and is consequently inadmissible.

Marlene Jennings moved, — That Bill C-2, in Clause 99, be amended by adding after line 5 on page 86 the following:

“**41.4** (1) Any person, including the Conflict of Interest and Ethics Commissioner, who has reasonable grounds to believe that an offence has been committed under section 41.1 shall, in writing, notify the Committee of the House of Commons designated to consider such matters.

(2) The Committee may issue its opinion with respect to the notification within 30 sitting days of the House of Commons after being notified.

(3) No prosecution for an offence under section 41.1 may be instituted before the Committee issues its opinion or before the expiry of the period referred to in subsection (2), whichever comes first.

(4) In any prosecution under section 41.1, the prosecutor shall provide the judge with a copy of the opinion of the Committee, and the judge shall consider the opinion in determining whether an offence was committed.

41.5 (1) The Conflict of Interest and Ethics Commissioner shall provide any order made under section 41.3 to a Committee of the House of Commons designated to consider whether a member has contravened an order of the Commissioner.

(2) The Committee may issue its opinion with respect to the order within 30 sitting days of the House of Commons after being provided with the order.

(3) No prosecution for an offence under subsection 41.3(6) may be instituted before the Committee issues its opinion or before the expiry of the period referred to in subsection (2), whichever comes first.

(4) In any prosecution under subsection 41.3(6), the prosecutor shall provide the judge with a copy of the opinion of the Committee, and the judge shall consider the opinion in determining whether an offence was committed.”

At 8:38 a.m., the sitting was suspended.

At 8:43 a.m., the sitting resumed.

The question was put on the amendment of Marlene Jennings and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Clause 99, as amended, carried by a show of hands: YEAS: 8; NAYS: 4.

On new Clause 99.1,

Stephen Owen moved, — That Bill C-2 be amended by adding before line 6 on page 86 the following new clause:

“**99.1** Subsection 4(5) of the *Public Service Employment Act* is replaced by the following:

(5) The President and other Commissioners shall be appointed by the Governor in Council. The appointment of the President shall be made by commission under the Great Seal, after consultation with the leader of every recognized party in the Senate and House of Commons and approval by resolution of the Senate and House of Commons.

(5.1) A resolution of the Senate or House of Commons under subsection (5) is to be based on a secret ballot of its members conducted in accordance with any rule or standing order of that House.”

RULING BY THE CHAIR

This amendment proposes a procedure for appointment of the president and commissioners. It is amending subsection 4(5) of the *Public Service Employment Act*. *House of Commons Procedure and Practice* states, at page 654, that: “an amendment is inadmissible if it amends a statute that is not before the committee or a section of the parent Act unless it is specifically being amended by a clause of the bill.” Since section 4 of the *Public Service Amendment Act* is not being amended by Bill C-2, it is inadmissible to propose such an amendment.

On new Clause 99.2,

Stephen Owen moved, — That Bill C-2 be amended by adding before line 6 on page 86 the following new clause:

“99.2 The Act is amended by adding the following after section 4:

4.1 The Commission or any person or Commissioner that has been directed to conduct any audit or any investigation under this Act is not a competent or compellable witness—in respect of any matter coming to the knowledge of the Commission or that person or Commissioner as a result of performing any duties or functions under this Act during an audit or investigation—in any proceedings other than a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Act, the judicial review of a decision made under this Act or an appeal therefrom.

4.2 (1) No criminal or civil proceedings lie against the Commission, or against any person acting on behalf or under the direction of the Commission, for anything done, reported or said in good faith in the course of the exercise or performance or purported exercise or performance of any power, duty or function of the Commission under this Act.

(2) For the purposes of any law relating to defamation

(a) anything said, any information supplied or any document or thing produced in good faith by or on behalf of the Commission, in the course of the performance or purported performance of audit or investigation powers, duties or functions under this Act, is privileged; and

(b) any report made in good faith by or on behalf of the Commission in the course of the performance or purported performance of audit or investigation powers, duties or functions under this Act, and any fair and accurate account of the report made in good faith in a newspaper or any other periodical publication or in broadcast, is privileged.”

After debate, by unanimous consent, the amendment was withdrawn.

STATEMENT BY THE CHAIR

Clause 100 is consequential to Clauses 102 to 105 and 107. The vote on Clause 100 will apply to Clauses 102 to 105 and 107.

Clause 100 carried.

Accordingly Clauses 102 to 105 and 107 carried.

On New Clause 100.1,

Pat Martin moved, — That Bill C-2 be amended by adding after line 17 on page 86 the following new clause:

“**100.1** Section 23 of the Act is amended by adding the following after subsection (3):

(4) Each special report of the Commission made under subsection (3) shall be submitted to the Speakers of both Houses of Parliament and shall be laid before each House by the Speaker of that House immediately after its receipt or, if that House is not then sitting, on the first day next thereafter that that House is sitting.”

RULING BY THE CHAIR

This amendment proposes that special reports of the commissioner will be submitted to the Speaker of the Senate and House for tabling in each House. It is amending section 23 of the *Public Service Employment Act*. The *House of Commons Procedure and Practice* states, at page 654, that “an amendment is inadmissible if it amends a statute that is not before the committee or a section of the parent Act unless it is specifically being amended by a clause of the bill. Since section 23 of the *Public Service Employment Act* is not being amended by Bill C-2, it is inadmissible to propose such an amendment.

On Clause 101,

Stephen Owen moved, — That Bill C-2, in Clause 101, be amended by adding after line 36 on page 86 the following:

“**35.3** A person employed in the Senate, House of Commons, Library of Parliament or office of the Conflict of Interest and Ethics Commissioner

(a) may participate in an advertised appointment process for which the organizational criterion established under section 34 entitles all employees to be considered, as long as the person meets the other criteria, if any, established under that section; and

(b) has the right to make a complaint under section 77.”

After debate, the question was put on the amendment of Stephen Owen and it was agreed to, by a show of hands: YEAS: 6; NAYS: 5.

Clause 101, as amended, carried.

Accordingly, Clauses 102 to 105 and Clause 107 carried.

On Clause 106,

Pierre Poilievre moved, — That Bill C-2, in Clause 106, be amended

(a) by replacing line 1 on page 88 with the following:

“**127.1** (1) The Governor in Council may appoint”

(b) by replacing lines 8 and 9 on page 88 with the following:

“(c) special adviser to a minister, a deputy minister or a deputy head.”

(c) by adding after line 9 on page 88 the following:

“(2) For greater certainty, the provisions of Part 7 applicable to deputy heads apply to persons appointed as such or as deputy ministers under subsection (1), and the provisions of that Part applicable to employees apply to other persons appointed under subsection (1).”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

Clause 106, as amended, carried.

On Clause 108,

Benoît Sauvageau moved, — That Bill C-2, in Clause 108, be amended by replacing lines 1 to 8 on page 89 with the following:

“(3) Sections 39 to 64 come into force on January 1 of the year next following the day on which this Act receives royal assent, but sections 63 and 64 do not apply in respect of monetary contributions made before that day.”

After debate, the question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negatived.

Pierre Poilievre moved, — That Bill C-2, in Clause 108, be amended by replacing line 9 on page 89 with the following:

“(5) Sections 65 to 82, 84 to 88 and 89 to 98 come into force on a”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

Clause 108, as amended, carried.

On Clause 109,

On motion of Benoît Sauvageau, it was agreed, — That Bill C-2, in Clause 109, be amended by deleting lines 26 to 30 on page 89.

Clause 109, as amended, carried.

On Clause 110,

On motion of Benoît Sauvageau, it was agreed, — That Bill C-2, in Clause 110, be amended by deleting lines 23 to 27 on page 90.

Clause 110, as amended, carried.

On New Clause 110.1,

Benoît Sauvageau moved, — That Bill C-2 be amended by adding after line 3 on page 91 the following new clause:

“110.1 The Act is amended by adding the following after section 15.1:

15.2 (1) The Auditor General shall, in accordance with the *Public Service Employment Act*, appoint a senior officer to be called the Budget Officer who shall report directly to the Auditor General.

(2) The mandate of the Budget Officer is to

(a) provide objective analysis to the Senate and to the House of Commons about the state of the nation's finances and trends in the national economy;

(b) when requested to do so by any of the following committees, undertake research for that committee into the nation's finances and economy:

(i) the Standing Committee on National Finance of the Senate or, in the event that there is not a Standing Committee on National Finance, the appropriate committee of the Senate,

(ii) the Standing Committee on Finance of the House of Commons or, in the event that there is not a Standing Committee on Finance, the appropriate committee of the House of Commons, or

(iii) the Standing Committee on Public Accounts of the House of Commons or, in the event that there is not a Standing Committee on Public Accounts, the appropriate committee of the House of Commons;

(c) when requested to do so by a member of either House, estimate the financial cost of proposals contained in any Bill introduced by a member of either House other than as a minister of the Crown; and

(d) when requested to do so by a member of either House or by a committee of the Senate or of the House of Commons, or a committee of both Houses, estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction.

(3) Except as provided by any other Act of Parliament that expressly refers to this subsection, the Budget Officer is entitled, by request made to the deputy head of a department within the meaning of any of paragraphs (a), (a.1) and (d) of the definition “department” in section 2 of the *Financial Administration Act*, or to any other person designated by that deputy head for the purpose of this section, to access at all convenient times to any financial or economic data in the possession of the department that are required for the performance of his or her mandate.

(4) Subsection (3) does not apply in respect of any financial or economic data

(a) that are information the disclosure of which is restricted under section 19 of the *Access to Information Act* or any provision set out in Schedule II to that Act; or

(b) that are contained in a confidence of the Queen's Privy Council for Canada described in subsection 69(1) of that Act, unless the data are also contained in any other record, within the meaning of section 3

of that Act, and are not information referred to in paragraph (a).

(5) The Budget Officer, and every person acting on behalf or under the direction of the Budget Officer, shall not disclose any financial or economic data that come to their knowledge under subsections (3) or (4), unless the disclosure is essential for the performance of his or her mandate and the financial or economic data to which the disclosure relates are not information described in subsection 13(1), section 14 or any of paragraphs 18(a) to (d) or 20(1)(b) to (d) of the *Access to Information Act*.

(6) The Budget Officer may, in the performance of his or her mandate, enter into contracts, memoranda of understanding or other arrangements in the name of his or her position.

(7) The Budget Officer may engage on a temporary basis the services of persons having technical or specialized knowledge necessary for the performance of his or her mandate.

(8) The Budget Officer may, from among persons employed in the office of the Auditor General to assist him or her, designate any person to exercise any of the powers under subsection (6) or (7) that the Budget Officer specifies, subject to the conditions that the Budget Officer sets.”

After debate, the question was put on the amendment of Benoît Sauvageau and it was negatived, by a show of hands: YEAS: 2; NAYS: 10.

On Clause 111,

Pat Martin moved, — That Bill C-2 be amended by deleting Clause 111.

The Chair ruled the proposed amendment inadmissible because it proposed the deletion of the clause, as provided on page 656 of House of Commons Procedure and Practice.

Clause 111 was negatived.

On Clause 112,

On motion of Benoît Sauvageau, it was agreed, — That Bill C-2, in Clause 112, be amended by deleting lines 22 to 26 on page 91.

Clause 112, as amended, carried.

On Clause 113,

On New heading,

On motion of Pierre Poilievre, it was agreed, — That Bill C-2 be amended by adding before line 1 on page 92, the following new heading: “Amendments to Act”.

After debate, the Chair called Clause 113 and it was negatived.

Clause 114 carried.

On Clause 115,

After debate, the Chair called Clause 115 and it was negatived.

Clause 116 carried by a show of hands: YEAS: 7; NAYS: 2.

STATEMENT BY THE CHAIR

The next clause that we will deal with is Clause 117 which relates to Parliamentary Budget Officer. There are a series of other clauses which are related to this particular clause. As we did previously, I propose that we deal with all the amendments that pertain to the subject matter of Clause 117 before I put the question on Clause 117. Therefore, we will first deal with the amendments to Clauses 119 and 119.1. Once this is done, I will put the question on Clause 117 and its results will be applied to all the consequential clauses – namely Clauses 118, 119 and 119.1. Therefore I will stand Clauses 117 and 118 and call for the first amendment which relates to Clause 119.

By unanimous consent, Clauses 117 and 118 were allowed to stand.

On Clause 119,

Benoît Sauvageau moved, — That Bill C-2, in Clause 119, be amended by replacing line 22 on page 93 with the following:

“more than seven years.”

Pat Martin moved, — That the amendment be amended by replacing the word “seven” with the word “five”.

After debate, the question was put on the subamendment of Pat Martin and it was agreed to.

The question was put on the amendment of Benoît Sauvageau, as amended, and it was agreed to.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 119, be amended by replacing line 36 on page 93 with the following:

“of the nation’s finances, the estimates of the government and trends in the”

Pierre Poilievre moved, — That Bill C-2, in Clause 119, be amended by replacing line 40 on page 93 with the following:

“that committee into the estimates and the nation’s finances and”

By unanimous consent, on motion of Marlene Jennings, it was agreed, — That the amendment be amended, in the French version, by replacing the word “et” with a comma.

After debate, the question was put on the amendment of Pierre Poilievre, as amended, and it was agreed to.

Pierre Poilievre moved, — That Bill C-2, in Clause 119, be amended

(a) by replacing line 17 on page 94 with the following:

“(c) when requested to do so by a committee of the Senate or of the House of Commons, or a

committee of both Houses, that is mandated to consider the estimates of the government, undertake research for that committee into those estimates;

(d) when requested to do so by a member of”

(b) by replacing line 22 on page 94 with the following:

“(e) when requested to do so by a member of”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

Pierre Poilievre moved, — That Bill C-2, in Clause 119, be amended

(a) by replacing line 20 on page 95 with the following:

“79.5 (1) The”

(b) by adding after line 36 on page 95 the following:

“(4) For greater certainty, section 74 and subsection 75(2) apply in respect of the exercise of the powers described in subsections (1) to (3).”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 119, be amended by replacing lines 30 to 36 on page 95 with the following:

“(3) The Parliamentary Budget Officer may authorize a person employed in the Library of Parliament to assist him or her to exercise any of the powers under subsection (1) or (2), subject to the conditions that the Parliamentary Budget Officer sets.”

On new Clause 119.1,

Pierre Poilievre moved, — That Bill C-2 be amended by adding after line 36 on page 95 the following new clause:

“Coordinating Amendments

119.1 (1) With respect to each of the following sections of the *Access to Information Act*, as of the day on which that section comes into force, a reference to that section is deemed to be included in the references to that Act in section 79.4 of the *Parliament of Canada Act*:

(a) section 18.1, as enacted by section 149 of this Act;

(b) section 20.1, as enacted by section 150 of this Act; and

(c) section 20.2, as enacted by section 150 of this Act.

(2) On the first day on which all of the following have occurred, namely, sections 18.1 of the *Access to Information Act*, as enacted by section 149 of this Act, has come into force, section 20.1 of the *Access*

to *Information Act*, as enacted by section 150 of this Act, has come into force and section 20.2 of the *Access to Information Act*, as enacted by section 150 of this Act, has come into force, subsection (1) is repealed and section 79.4 of the *Parliament of Canada Act* is replaced by the following:

79.4 The Parliamentary Budget Officer, and every person acting on behalf or under the direction of the Parliamentary Budget Officer, shall not disclose any financial or economic data that come to their knowledge under section 79.3, unless the disclosure is essential for the performance of his or her mandate and the financial or economic data to which the disclosure relates are not information described in subsection 11(1), section 14, any of paragraphs 18(a) to (d), section 18.1, any of paragraphs 20(1)(b) to (d) or section 20.1 or 20.2 of the *Access to Information Act*.”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

New Clause 119.1, as amended, carried.

At 10:35 a.m., the sitting was suspended.

At 10:48 a.m., the sitting resumed.

The Chair called Clause 117.

Clause 117 carried.

Accordingly, Clauses 118, 119 and 119.1 carried.

On Clause 120,

On motion of Benoît Sauvageau, it was agreed, — That Bill C-2, in Clause 120, be amended by deleting lines 8 to 12 on page 96.

Clause 120, as amended, carried.

On Clause 121,

On motion of Benoît Sauvageau, it was agreed, — That Bill C-2, in Clause 121, be amended by deleting lines 1 to 5 on page 97.

Clause 121, as amended, carried.

Clause 122 carried.

STATEMENT BY THE CHAIR

Clause 123 relates to the Director of Public Prosecutions Act, and there's a series of other clauses related to this particular clause. We propose to deal with all the amendments that pertain to the subject matter of Clause 123 before I put the question on Clause 123; therefore, we will deal with the amendments to Clauses 123 and 139, and once that has been completed, we'll put the question on Clause 123, and its results will be applied to all the consequential clauses, which are Clauses 131 to 142.

On Clause 123,

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 123, be amended by replacing lines 13 to 22 on page 99 with the following:

“(a) initiates and conducts prosecutions on behalf of the Crown, except where the Attorney General has assumed conduct of a prosecution under section 15;

(b) intervenes in any matter that raises a question of public interest that may affect the conduct of prosecutions or related investigations, except in proceedings in which the Attorney General has decided to intervene under section 14;”

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 123, be amended by replacing, in the English version, line 38 on page 99 with the following:

“(h) exercises any other power or carries out any other duty or function”

Benoît Sauvageau moved, — That Bill C-2, in Clause 123, be amended

(a) by replacing line 9 on page 101 with the following:

“selected candidate shall be referred for approval”

(b) by replacing lines 12 to 15 on page 101 with the following:

“(5) The Attorney General shall, if the parliamentary committee gives its approval, recommend to the Governor in Council that the selected candidate be appointed as Director or, if the parliamentary committee does not give its approval,”

The question was put on the amendment of Benoît Sauvageau and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Benoît Sauvageau moved, — That Bill C-2, in Clause 123, be amended by replacing line 22 on page 101 with the following:

“for cause with the support of a resolution of the House of Commons to that effect. The Director is not eligible to be”

The question was put on the amendment of Benoît Sauvageau and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Pierre Poilievre moved, — That Bill C-2, in Clause 123, be amended

(a) by replacing the heading before line 14 on page 104 with the following:

“ISSUES OF GENERAL OR PUBLIC INTEREST”

(b) by replacing lines 15 to 18 on page 104 with the following:

“General in a timely manner of any prosecution, or intervention that the Director intends to make, that raises important questions of general interest.”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

Pierre Poilievre moved, — That Bill C-2, in Clause 123, be amended by replacing lines 21 and 22 on page 104 with the following:

“interest, the Attorney General may, after”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

On Clause 139,

Stephen Owen moved, — That Bill C-2, in Clause 139, be amended by replacing lines 26 to 33 on page 110 with the following:

“139. Section 2 of the *Department of Justice Act* is amended by adding the following after subsection (2):

(3) Any directive that the Attorney General of Canada issues to the Assistant Deputy Attorney General (Criminal Law) of the Department of Justice shall be in writing and be published forthwith in the *Canada Gazette*.

(4) The Attorney General of Canada or the Assistant Deputy Attorney General (Criminal Law) of the Department of Justice may, if he or she considers it to be in the interests of the administration of justice, direct that the publication in the *Canada Gazette* of a directive referred to in subsection (3) be delayed.”

RULING BY THE CHAIR

This amendment proposes an amendment relating to the Attorney General of Canada. It is amending section 2 of the *Department of Justice Act*. *House of Commons Procedure and Practice* states at page 654 that “an amendment is inadmissible if it amends a statute that is not before the committee or a section of the parent Act unless it is specifically being amended by a clause of the bill.” Since section 2 of the *Department of Justice Act* is not being amended by Bill C-2, it is inadmissible to propose such an amendment.

The Chair called Clause 123.

Clause 123, as amended, carried.

Accordingly, Clauses 131 to 142 carried.

Clause 124 carried.

On Clause 125,

Pierre Poilievre moved, — That Bill C-2, in Clause 125, be amended by

(a) replacing lines 22 and 23 on page 105 with the following:

“the other Act until”

(b) adding after line 33 on page 105 the following:

“(3) In the event of the incapacity or death of the person authorized to act as the Director of Public Prosecutions under subsection (1), the Attorney General of Canada shall designate one of the persons authorized to act as Deputy Director of Public Prosecutions under subsection (2) to act as Director of Public Prosecutions in the interim.”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

Clause 125, as amended, carried on division.

Clause 126 carried on division.

Clause 127 carried on division.

Clause 128 carried on division.

Clause 129 carried on division.

Clause 130 carried.

STATEMENT BY THE CHAIR

Clause 143 relates to the *Access to Information Act*. There is a series of clauses related to this particular clause. The chair is suggesting we deal with all the amendments that pertain to the subject matter of Clause 143 before we put the question on Clause 143. We will deal with the amendments to Clauses 143, 144, 145.1, and 164. Once this is completed, we will put the question on Clause 143, and its results will be applied to all the consequential clauses, namely Clauses 144, 145, 145.1, and 164.

On Clause 143,

Pat Martin moved, — That Bill C-2, in Clause 143, be amended by replacing line 15 on page 111 with the following:

the Act are replaced by

The question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negated.

Pat Martin moved, — That Bill C-2, in Clause 143, be amended by adding after line 33 on page 111 the following:

“(2) The definition “government institution” in section 3 of the Act is replaced by the following:

“government institution” means

(a) any department or ministry of state of the Government of Canada, or any body or office, listed in

Schedule I, and

(b) any parent Crown corporation, and any subsidiary of such a corporation, within the meaning of section 83 of the *Financial Administration Act*,”

After debate, the question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

At 11:59 a.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/06/30 1:43 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 25

Tuesday, June 13, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Marlene Jennings,
Tom Lukiwski,
Rob Moore,
Brian Murphy,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
Alan Tonks

OTHER MEMBERS PRESENT:

Paul Dewar
Richard Nadeau

IN ATTENDANCE:

Library of Parliament:
Kristen Douglas, Analyst.

House of Commons:

Elise Hurtubise-Loranger.

Library of Parliament:

Katherine Kirkwood, Analyst.

OTHER PARTICIPANTS PRESENT:

House of Commons:

Susan Baldwin, Legislative Clerk.

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary.

As an Individual:

Unknown_1 CC2-25.

Legislative Committee on Bill C-2:

Pat Martin.

House of Commons:

Hon. Stephen Owen, Vancouver Quadra.

Treasury Board of Canada Secretariat:

Mary-Anne Stevens, Senior Project Officer.

Department of Justice:

Joe Wild, Senior Counsel.

Miriam Burke
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 25

Tuesday, June 13, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:32 p.m. this day, in Room 237-C, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Pat Martin, James Moore, Rob Moore, Brian Murphy, Richard Nadeau, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Kristen Douglas, Analyst. *House of Commons:* Susan Baldwin, Legislative Clerk; Joann Garbig, Legislative Clerk.

Witnesses: Treasury Board of Canada Secretariat: Susan M.W. Cartwright, Assistant Secretary. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee resumed its clause-by-clause study of the Bill.

The witnesses answered questions.

On Clause 144,

Pat Martin moved, — That Bill C-2, in Clause 144, be amended by adding after line 35 on page 111 the following:

“3.01 For greater certainty, the Canadian Race Relations Foundation and the Public Sector Pension Investment Board are parent Crown corporations for the purposes of this Act.”

Pierre Poilievre moved, — That the amendment be amended by replacing the proposed text with the following:

“3.01 (1) For greater certainty, any provision of this Act that applies to a government institution that as a parent Crown corporation applies to any of its subsidiaries within the meaning of section 83 of the *Financial Administration Act*.

(2) For greater certainty, the Canadian Race Relations Foundation and the Public Sector Pension Investment Board are parent Crown corporations for the purposes of this Act.”

After debate, the question was put on the subamendment of Pierre Poilievre and it was agreed to, by a show of hands: YEAS: 8; NAYS: 4.

The question was put on the amendment of Pat Martin, as amended, and it was agreed to, by a show of

hands: YEAS: 9; NAYS: 3.

On new Clause 145.1,

Pat Martin moved, — That Bill C-2 be amended by adding after line 25 on page 112 the following new clause:

145.1 (1) The portion of subsection 5(1) of the French version of the Act before paragraph (b) is replaced by the following:

“5. (1) Le ministre désigné fait publier, selon une périodicité au moins annuelle, un répertoire donnant l’information suivante :

a) pour chaque institution fédérale, son organigramme et ses attributions, ainsi que les programmes et fonctions de ses différents services;

(2) Subsection 5(1) of the Act is amended by striking out the word “and” at the end of paragraph (c), by adding the word “and” at the end of paragraph (d) and by adding the following after paragraph (d):

(d.1) a list of all government institutions that are not set out in Schedule I.”

RULING BY THE CHAIR

This amendment proposes to amend the availability of information concerning government institutions under the *Access to Information Act*.

House of Commons Procedure and Practice states at page 654: ...an amendment is inadmissible if it amends a statute that is not before the committee or a section of the parent Act unless it is being specifically amended by a clause of the bill.

Since section 5 of the *Access to Information Act* is not being amended by Bill C-2, it is inadmissible to propose such an amendment. Therefore, this amendment is inadmissible.

On Clause 164,

On motion of Pat Martin, it was agreed, — That Bill C-2, in Clause 164, be amended by adding after line 20 on page 118 the following:

“(2) Subsection 77(1) of the Act is amended by striking out the word “and” at the end of paragraph (g), by adding the word “and” at the end of paragraph (h) and by adding the following after paragraph (h):

(i) prescribing criteria for adding a body or office to Schedule I.”

Clause 143, as amended, carried by a show of hands: YEAS: 9; NAYS: 3.

Accordingly, Clauses 144, 145, 147 and 164 carried as amended.

Clause 161 carried on division.

On Clause 146,

Pat Martin moved, — That Bill C-2, in Clause 146, be amended by replacing lines 28 to 39 on page 112 with the following:

16.1 (1) The Auditor General of Canada shall refuse to disclose any record requested under this Act that contains information that was obtained or created by or on behalf of the Auditor General of Canada in the course of an investigation, examination or audit conducted by or under the authority of the Auditor General of Canada.

(2) The following heads of government institutions shall refuse to disclose any record requested under this Act that contains information that was obtained or created by them or on their behalf in the course of an investigation or audit conducted by them or under their authority:

(a) the Commissioner of Official Languages for Canada;

(b) the Information Commissioner; and

(c) the Privacy Commissioner.

(3) However, the heads of the government institutions mentioned in subsection (2) may not refuse to disclose any record that was created by them or on their behalf in the course of an investigation or audit conducted by them or under their authority once the investigation or audit is complete and all related proceedings, if any, are final.

Pierre Poilievre moved, — That the amendment be amended by replacing the proposed text of paragraph **16.1** (3) with the following:

“(3) However, the head of a government institution referred to in subsection (2) shall not refuse under that subsection to disclose any record that contains information that was created by them or on their behalf in the course of an investigation or audit conducted by them or under their authority once the investigation or audit and all related proceedings, if any, are finally concluded.”

After debate, the question was put on the subamendment of Pierre Poilievre and it was agreed to, by a show of hands: YEAS: 10; NAYS: 2.

The question was put on the amendment of Pat Martin, as amended, and it was agreed to, by a show of hands: YEAS: 10; NAYS: 2.

Clause 146, as amended, carried on division.

On Clause 147,

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 147, be amended by replacing lines 1 to 5 on page 113 with the following:

“**16.3** Subject to section 541 of the *Canada Elections Act*, the Chief Electoral Officer shall refuse to disclose any record requested under this Act that contains information that was obtained or created by or on behalf of a person who conducts an investigation, examination or review in the performance of their functions under the”

Clause 147, as amended, carried on division.

On Clause 148,

On motion of Stephen Owen, it was agreed, — That Bill C-2, in Clause 148, be amended

(a) by replacing lines 10 to 16 on page 113 with the following:

“reasonably be expected to prejudice the competitive position of a government institution or to interfere”

(b) by replacing lines 24 to 26 on page 113 with the following:

“injurious to the financial interests of a government institution or to the ability of the”

Clause 148, as amended, carried on division.

Clause 149 carried on division.

On Clause 150,

Pat Martin moved, — That Bill C-2, in Clause 150, be amended by deleting lines 13 to 20 on page 114.

The question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Pat Martin moved, — That Bill C-2, in Clause 150, be amended by replacing line 27 on page 114 with the following:

“the advice or information as confidential and if the record came into existence less than twenty years before the request was made.”

At 4:36 p.m., the sitting was suspended.

At 4:43 p.m., the sitting resumed.

By unanimous consent, the amendment was withdrawn.

Marlene Jennings moved, — That Bill C-2, in Clause 150, be amended by adding after line 27 on page 114 the following:

“20.3 The head of the Canada Foundation for Sustainable Development Technology shall refuse to disclose a record requested under this Act that contains information — including facts, data, opinions, external assessments and comments — obtained or created by the Foundation in relation to applicants, applications for funding, eligible projects and eligible recipients.”

After debate, the question was put on the amendment of Marlene Jennings and it was negatived, by a show of hands: YEAS: 5; NAYS: 7.

Clause 150, as amended, carried on division.

Clause 151 carried on division.

On Clause 152,

Pat Martin moved, — That Bill C-2, in Clause 152, be amended by replacing lines 12 to 14 on page 115 with the following:

“to disclose a draft report of an internal audit of a government institution if a final report of the audit has been published or if a final report of the”

The question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 10; NAYS: 2.

Clause 152, as amended, carried on division.

Clauses 153 to 160 inclusive carried on division severally.

On new Clause 161.1,

Pat Martin moved, — That Bill C-2 be amended by adding after line 34 on page 117 the following new clause:

“161.1 Section 69 of the Act is replaced by the following:

69. (1) The head of a government institution shall refuse to disclose any record requested under this Act that contains confidences of the Queen’s Privy Council for Canada.

(2) In this section,

“confidences of the Queen’s Privy Council for Canada” means information which, if disclosed, would reveal the substance of deliberations of Council or the substance of deliberations between or among ministers;

“Council” means the Queen's Privy Council for Canada, committees of the Queen's Privy Council for Canada, Cabinet and committees of Cabinet.

(3) Subsection (1) does not apply to

(a) confidences of the Queen’s Privy Council for Canada that have been in existence for fifteen years or more;

(b) background explanations, analyses of problems, or policy options presented to Council for consideration by Council in making decisions, if

(i) the decisions to which the information relates have been made public, or

(ii) four years have passed since the decisions were made; or

(c) decisions of the Queen's Privy Council for Canada if

(i) the decisions or the substance of the decisions have been made public, or

(ii) four years have passed since the decisions were made.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Clause 162 carried on division.

Clause 163 carried on division.

On New Clause 163.1,

On motion of Pat Martin, it was agreed on division, — That Bill C-2 be amended by adding after line 11 on page 118 the following new clause:

“163.1 The Act is amended by adding the following after section 72:

72.1 The head of a department or a ministry of state of the Government of Canada shall publish an annual report of all expenses incurred by his or her office and paid out of the Consolidated Revenue Fund.”

New Clause 163.1 carried on division.

On Clause 165,

Pat Martin moved, — That Bill C-2, in Clause 165, be amended by replacing lines 21 to 39 on page 118 with the following:

“165. Schedule I to the Act is amended by striking out the following under the heading “Other Government Institutions”:

Atlantic Pilotage Authority

Administration de pilotage de l'Atlantique

Bank of Canada

Banque du Canada

Blue Water Bridge Authority

Administration du pont Blue Water

Business Development Bank of Canada

Banque de développement du Canada

Canada Council for the Arts

Conseil des Arts du Canada

Canada Deposit Insurance Corporation

Société d'assurance-dépôts du Canada

Canada Development Investment Corporation

Corporation de développement des investissements du Canada

Canada Lands Company Limited

Société immobilière du Canada limitée

Canada Mortgage and Housing Corporation

Société canadienne d'hypothèques et de logement

Canadian Air Transport Security Authority

Administration canadienne de la sûreté du transport aérien

Canadian Commercial Corporation

Corporation commerciale canadienne

Canadian Dairy Commission

Commission canadienne du lait

Canadian Museum of Civilization

Musée canadien des civilisations

Canadian Museum of Nature

Musée canadien de la nature

Canadian Race Relations Foundation

Fondation canadienne des relations raciales

Canadian Tourism Commission

Commission canadienne du tourisme

Cape Breton Development Corporation

Société de développement du Cap-Breton

Cape Breton Growth Fund Corporation

Corporation Fonds d'investissement du Cap-Breton

Defence Construction (1951) Limited

Construction de défense (1951) Limitée

Enterprise Cape Breton Corporation

Société d'expansion du Cap-Breton

Farm Credit Canada

Financement agricole Canada

The Federal Bridge Corporation Limited

La Société des ponts fédéraux Limitée

Freshwater Fish Marketing Corporation

Office de commercialisation du poisson d'eau douce

Great Lakes Pilotage Authority

Administration de pilotage des Grands Lacs

International Development Research Centre

Centre de recherches pour le développement international

The Jacques-Cartier and Champlain Bridges Inc.

Les Ponts Jacques-Cartier et Champlain Inc.

Laurentian Pilotage Authority

Administration de pilotage des Laurentides

Marine Atlantic Inc.

Marine Atlantique S.C.C.

National Capital Commission

Commission de la capitale nationale

National Gallery of Canada

Musée des beaux-arts du Canada

National Museum of Science and Technology

Musée national des sciences et de la technologie

Old Port of Montreal Corporation Inc.

Société du Vieux-Port de Montréal Inc.

Pacific Pilotage Authority

Administration de pilotage du Pacifique

Parc Downsview Park Inc.

Parc Downsview Park Inc.

Queens Quay West Land Corporation

Queens Quay West Land Corporation

Ridley Terminals Inc.

Ridley Terminals Inc.

Royal Canadian Mint

Monnaie royale canadienne

The Seaway International Bridge Corporation, Ltd.

La Corporation du Pont international de la voie maritime, Ltée

Standards Council of Canada

Conseil canadien des normes

Telefilm Canada

Téléfilm Canada

After debate, the question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 10; NAYS: 2.

Clause 165, as amended, carried on division.

On New Clause 165.1,

Pat Martin moved, — That Bill C-2 be amended by adding after line 39 on page 118 the following:

“165.1 Schedule I to the Act is amended by adding the following in alphabetical order under the heading “Other Government Institutions”:

Canadian Wheat Board

Commission canadienne du blé”

After debate, the question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 8; NAYS: 3.

Clause 165.1, as amended, carried.

On Clause 166,

Benoît Sauvageau moved, — That Bill C-2, in Clause 166, be amended by replacing lines 1 to 9 on page 119 with the following:

“Aboriginal Healing Foundation

Fondation autochtone de guérison

Asia-Pacific Foundation of Canada

Fondation Asie-Pacifique du Canada

Canada Foundation for Innovation

Fondation canadienne pour l'innovation

Canada Foundation for Sustainable Development Technology

Fondation du Canada pour l'appui technologique au développement durable

Canada Health Infoway

Inforoute Santé du Canada

Canada Millennium Scholarship Foundation

Fondation canadienne des bourses d'études du millénaire

Canadian Council on Learning

Conseil canadien sur l'apprentissage

Canadian Foundation for Climate and Atmospheric Sciences

Fondation canadienne pour les sciences du climat et de l'atmosphère

Canadian Health Services Research Foundation

Fondation canadienne de la recherche sur les services de santé

Canadian Institute for Health Information

Institut canadien d'information sur la santé

Canadian Institute for Research on Linguistic Minorities

Institut canadien de recherche sur les minorités linguistiques

Canadian Network for the Advancement of Research, Industry and Education

Réseau canadien pour l'avancement de la recherche, de l'industrie et de l'enseignement

Clayoquot Biosphere Trust Society

Clayoquot Biosphere Trust Society

Forum of Federations

Forum des fédérations

Frontier College Foundation

Fondation du Collège Frontière

Genome Canada

Génome Canada

Green Municipal Funds

Fonds municipaux verts

Pacific Salmon Endowment Fund

Fonds de dotation pour le saumon du Pacifique

The Canadian Institute for Advanced Research

L'Institut canadien de recherches avancées

The Pierre Elliott Trudeau Foundation

La Fondation Pierre-Elliott-Trudeau

At 5:18 p.m., the sitting was suspended.

At 5:22 p.m., the sitting resumed.

Pierre Poilievre moved, — That the amendment be amended by replacing the proposed text with the following:

“Asia-Pacific Foundation of Canada

Fondation Asie-Pacifique du Canada

Canada Foundation for Innovation

Fondation canadienne pour l'innovation

Canada Foundation for Sustainable Development Technology

Fondation du Canada pour l'appui technologique au développement durable

Canada Millennium Scholarship Foundation

Fondation canadienne des bourses d'études du millénaire

The Pierre Elliott Trudeau Foundation

La Fondation Pierre-Elliott-Trudeau”

At 5:33 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-06-30 2:03 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 26

Tuesday, June 13, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Paul Dewar,
Monique Guay,
Hon. Marlene Jennings,
Tom Lukiwski,
Gary Merasty,
James Moore,
Rob Moore,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson,
Alan Tonks
and Chris Warkentin.

IN ATTENDANCE:

Library of Parliament:
Katherine Kirkwood, Analyst;

Jack Stilborn, Analyst.

House of Commons:

Susan Baldwin, Legislative Clerk;

Joann Garbig, Legislative Clerk.

WITNESSES:

Department of Justice:

Joe Wild, Senior Counsel, Legal Services, Treasury Board
Portfolio.

Privy Council Office:

Marc Chénier, Counsel, Democratic Renewal Secretariat;
Marc O'Sullivan, Acting Secretary to the Cabinet, Senior Personnel
and Special Projects Secretariat.

OTHER PARTICIPANTS PRESENT:

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary, Accountability in
Government.

Department of Justice:

Jane Graham, Counsel.

Public Service Human Resources Management Agency of Canada:

Catherine MacQuarrie, Acting Vice-President.

Library of Parliament:

Sebastian Spano, Analyst.

Treasury Board of Canada Secretariat:

Mary-Anne Stevens, Senior Project Officer.

Miriam Burke
Clerk of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 26

Tuesday, June 13, 2006

The Legislative Committee on Bill C-2 met in a televised session at 6:54 p.m. this day, in Room 237-C, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Paul Dewar, Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, Gary Merasty, James Moore, Rob Moore, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson, Alan Tonks and Chris Warkentin.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Sebastian Spano, Analyst. *House of Commons:* Susan Baldwin, Legislative Clerk; Joann Garbig, Legislative Clerk.

Witnesses: Treasury Board of Canada Secretariat: Susan M.W. Cartwright, Assistant Secretary, Accountability in Government. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio. *Privy Council Office:* Marc Chénier, Counsel, Democratic Renewal Secretariat; Marc O'Sullivan, Acting Secretary to the Cabinet, Senior Personel and Special Projects Secretariat.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee resumed its clause-by-clause study of the Bill.

The witnesses answered questions.

On Clause 166,

The Committee resumed consideration of the subamendment of Pierre Poilievre, — That the amendment be amended by replacing the proposed text with the following:

“Asia-Pacific Foundation of Canada

Fondation Asie-Pacifique du Canada

Canada Foundation for Innovation

Fondation canadienne pour l'innovation

Canada Foundation for Sustainable Development Technology

Fondation du Canada pour l'appui technologique au développement durable

Canada Millennium Scholarship Foundation

Fondation canadienne des bourses d'études du millénaire

The Pierre Elliott Trudeau Foundation

La Fondation Pierre-Elliott-Trudeau

After debate, the question was put on the subamendment of Pierre Poilievre and it was agreed to, by a show of hands: YEAS: 9; NAYS: 2.

The question was put on the amendment of Benoît Sauvageau, as amended, and it was agreed to.

Clause 166, as amended, carried on division.

By unanimous consent, the Committee reverted to Clause 99.

By unanimous consent, it was agreed that the following changes be made to the French version:

In section 41.4 (2), that the words “sur la question” be replaced by the words “l'information reçue”; and in paragraph 41.5 (2), that the words “sur la question” be replaced by the words “sur l'ordre”.

Clause 167 carried on division.

Clause 168 carried on division.

Clause 169 carried on division.

Clause 170 carried on division.

Clause 171 carried on division.

On Clause 172,

STATEMENT BY THE CHAIR

These are amendments to the *Access to Information Act* schedule and are consequential to Clause 169 and proposed Clauses 172.1 and 172.21 and Clause 179.

At 7:00 p.m., the sitting was suspended.

At 7:05 p.m., the sitting resumed.

Clause 172 carried on division.

Accordingly, New Clauses 172.1, 172.21 and Clause 179 carried.

On Clause 173,

STATEMENT BY THE CHAIR

Clause 173 relates to returning officers. There are a series of other clauses that are related to this

particular clause.

We'll deal with all the amendments that pertain to the subject matter of Clause 173 before we put the question on it.

We will first deal with the amendments to Clauses 174, 176, and 177. Once that's completed, we'll put the question on Clause 173, and the results will be applied to all the consequential clauses, namely 174 and 176 to 178.

On Clause 174,

Benoît Sauvageau moved, — That Bill C-2, in Clause 174, be amended by replacing line 19 on page 120 with the following:

“for returning officers an external appointment process within the meaning of subsection 2(1) of the *Public Service Employment Act* on the basis of”

After debate, the question was put on the amendment of Benoît Sauvageau and it was agreed to, by a show of hands: YEAS: 6; NAYS: 5.

On Clause 176,

Pierre Poilievre moved, — That Bill C-2, in Clause 176, be amended by replacing lines 37 to 39 on page 121 with the following:

“(3.1) or if both their offices are vacant during an election period, the Chief Electoral Officer shall designate a person to act in place of the returning officer, and that person may, during and after that period, perform the duties of a returning officer in relation to that election.”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

On Clause 177,

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 177, be amended by replacing line 16 on page 122 with the following:

“534, 535 or 535.2 to the House of Commons”

Clause 173 carried.

Accordingly, Clauses 174 as amended, 176 as amended, 177 as amended, and Clause 178 carried.

On new Clause 179.1,

Paul Dewar moved, — That Bill C-2 be amended by adding before line 12 on page 123 the following new clause:

“179.1 The definition “government institution” in section 2 of the *Library and Archives of Canada Act* is replaced by the following:

“government institution” means an institution within the meaning of the definition “government institution” in section 3 of the *Access to information Act* or within the meaning of the definition “government institution” in section 3 of the *Privacy Act* or an institution designated by the Governor in Council.”

RULING BY THE CHAIR

This amendment proposes to add a definition of “government institution”, and it's amending section 2 of the *Library and Archives of Canada Act*.

House of Commons Procedure and Practice states on page 654: an amendment is inadmissible if it amends a statute that is not before the committee or a section of a parent Act unless it is specifically being amended by a clause of the bill.

Since section 2 of the *Library and Archives of Canada Act* is not being amended by Bill C-2, it is inadmissible to propose such an amendment.

On new Clause 179.2,

Paul Dewar moved, — That Bill C-2 be amended by adding before line 12 on page 123 the following new clause:

“179.2 The Act is amended by adding the following before section 12:

11.1 A director, an officer or an employee of a government institution shall cause the creation of any record that is reasonably necessary to document a decision made by them in the exercise of a power that is conferred under an Act of Parliament or under a prerogative of the Crown.

11.2 (1) The Librarian and Archivist is responsible for issuing directives and guidelines to government institutions concerning the creation of records under section 11.1.

(2) For greater certainty, a directive or guideline issued under this section is not a regulation for the purposes of the *Statutory Instrument Act*.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of *House of Commons Procedure and Practice*.

On Clause 180,

On motion of Paul Dewar, it was agreed, — That Bill C-2, in Clause 180, be amended by replacing lines 12 and 13 on page 123 with the following:

“180. The Act is amended by adding the following after”

Clause 180, as amended, carried on division.

On new Clause 180.1,

Paul Dewar moved, — That Bill C-2 be amended by adding after line 24 on page 123 the following new clause:

“180.1 The portion of subsection 20(1) of the Act before paragraph (a) is replaced by the following:

20. (1) Every person who contravenes subsection 10(1), section 11.1 or the regulations or fails to comply with a request of the Librarian and Archivist under subsection 11(1) is guilty of an offence and liable on summary conviction”

RULING BY THE CHAIR

This amendment proposes to add an offence to the *Library and Archives of Canada Act*.

House of Commons Procedure and Practice states on page 654 that “an amendment is inadmissible if it amends a statute that is not before the committee or a section of the parent Act unless it is being specifically amended by a clause of the bill”.

Since section 20 of the *Library and Archives of Canada Act* is not being amended by Bill C-2, it is inadmissible to propose such an amendment.

STATEMENT BY THE CHAIR

The vote on Clause 181 will apply to Clause 182.

On Clause 181,

On motion of Paul Dewar, it was agreed, — That Bill C-2, in Clause 181, be amended by adding after line 10 on page 124 the following:

“(2) The definition “government institution” in section 3 of the Act is replaced by the following:

“government institution” means

(a) any department or ministry of state of the Government of Canada, or any body or office, listed in the schedule, and

(b) any parent Crown corporation, and any subsidiary of such a corporation, within the meaning of section 83 of the *Financial Administration Act*,”

On Clause 182,

Paul Dewar moved, — That Bill C-2, in Clause 182, be amended by adding after line 12 on page 124 the following:

“3.01 For greater certainty, the Canadian Race Relations Foundation and the Public Sector Pension Investment Board are parent Crown corporations for the purposes of this Act.”

Pierre Poilievre moved, — That the amendment be amended by replacing section 3.01 with the following:

“3.01 (1) For greater certainty, any provision of this Act that applies to a government institution that is a parent Crown corporation applies to any of its subsidiaries within the meaning of section 83 of the

Financial Administration Act.

(2) For greater certainty, the Canadian Race Relations Foundation and the Public Sector Pension Investment Board are parent Crown corporations for the purposes of this Act.”

After debate, the question was put on the subamendment of Pierre Poilievre and it was agreed to on division.

The question was put on the amendment of Paul Dewar, as amended, and it was agreed to.

Clause 181, as amended, carried on division.

Accordingly, Clause 182, as amended, carried.

On new Clause 182.1,

Paul Dewar moved, — That Bill C-2 be amended by adding after line 20 on page 124 the following new clause:

“182.(1) The portion of paragraph 11(1)(a) of the French version of the Act before subparagraph (i) is replaced by the following:

a) de tous les fichiers de renseignements personnels, donnant, pour chaque fichier, les indications suivantes :

(2) The portion of paragraph 11(1)(b) of the French version of the Act before subparagraph (i) is replaced by the following:

b) de toutes les catégories de renseignements personnels qui relèvent d'une institution fédérale mais ne sont pas versés dans les fichiers de renseignements personnels, donnant, pour chaque catégorie, les indications suivantes :

(3) Subsection 11(1) of the Act is amended by striking out the word “and” at the end of paragraph (a), by adding the word “and” at the end of paragraph (b) and by adding the following after paragraph (b):

(c) all government institutions that are not set out in the schedule.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

On Clause 183,

Paul Dewar moved, — That Bill C-2, in Clause 183, be amended

(a) by replacing line 23 on page 124 with the following:

“22.1 (1) The Privacy Commissioner shall refuse”

(b) by adding after line 29 on page 124 the following:

“(2) However, the Commissioner may not refuse to disclose any record that was created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by the Commissioner or under the Commissioner's authority once the investigation is complete and all related proceedings, if any, are final.”

Tom Lukiwski moved, — That the amendment be amended by replacing **22.1** (1) and (2) by the following:

“**22.1** (1) The Privacy Commissioner shall refuse to disclose any personal information requested under this Act that was obtained or created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by, or under the authority of, the Commissioner.

(2) However, the Commissioner shall not refuse under subsection (1) to disclose any personal information that was created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by, or under the authority of, the Commissioner once the investigation and all related proceedings, if any, are finally concluded.”

After debate, the question was put on the subamendment of Tom Lukiwski and it was agreed to on division.

The question was put on the amendment of Paul Dewar, as amended, and it was agreed to on division.

Clause 183, as amended, carried.

Clauses 184 to 189 inclusive carried severally.

On Clause 190,

On motion of Paul Dewar, it was agreed on division, — That Bill C-2, in Clause 190, be amended by replacing lines 30 to 42 on page 125 with the following:

190. The schedule to the Act is amended by striking out the following under the heading “Other Government Institutions”:

Atlantic Pilotage Authority

Administration de pilotage de l'Atlantique

Bank of Canada

Banque du Canada

Blue Water Bridge Authority

Administration du pont Blue Water

Business Development Bank of Canada

Banque de développement du Canada

Canada Council for the Arts

Conseil des Arts du Canada

Canada Deposit Insurance Corporation

Société d'assurance-dépôts du Canada

Canada Development Investment Corporation

Corporation de développement des investissements du Canada

Canada Lands Company Limited

Société immobilière du Canada limitée

Canada Mortgage and Housing Corporation

Société canadienne d'hypothèques et de logement

Canada Post Corporation

Société canadienne des postes

Canadian Air Transport Security Authority

Administration canadienne de la sûreté du transport aérien

Canadian Commercial Corporation

Corporation commerciale canadienne

Canadian Dairy Commission

Commission canadienne du lait

Canadian Museum of Civilization

Musée canadien des civilisations

Canadian Museum of Nature

Musée canadien de la nature

Canadian Race Relations Foundation

Fondation canadienne des relations raciales

Canadian Tourism Commission

Commission canadienne du tourisme

Cape Breton Development Corporation

Société de développement du Cap-Breton

Cape Breton Growth Fund Corporation

Corporation Fonds d'investissement du Cap-Breton

Defence Construction (1951) Limited

Construction de défense (1951) Limitée

Enterprise Cape Breton Corporation

Société d'expansion du Cap-Breton

Export Development Canada

Exportation et développement Canada

Farm Credit Canada

Financement agricole Canada

The Federal Bridge Corporation Limited

La Société des ponts fédéraux Limitée

Freshwater Fish Marketing Corporation

Office de commercialisation du poisson d'eau douce

Great Lakes Pilotage Authority

Administration de pilotage des Grands Lacs

International Development Research Centre

Centre de recherches pour le développement international

The Jacques-Cartier and Champlain Bridges Inc.

Les Ponts Jacques-Cartier et Champlain Inc.

Laurentian Pilotage Authority

Administration de pilotage des Laurentides

Marine Atlantic Inc.

Marine Atlantique S.C.C.

National Arts Centre Corporation

Corporation du Centre national des Arts

National Capital Commission

Commission de la capitale nationale

National Gallery of Canada

Musée des beaux-arts du Canada

National Museum of Science and Technology

Musée national des sciences et de la technologie

Old Port of Montreal Corporation Inc.

Société du Vieux-Port de Montréal Inc.

Pacific Pilotage Authority

Administration de pilotage du Pacifique

Parc Downsview Park Inc.

Parc Downsview Park Inc.

Queens Quay West Land Corporation

Queens Quay West Land Corporation

Ridley Terminals Inc.

Ridley Terminals Inc.

Royal Canadian Mint

Monnaie royale canadienne

The Seaway International Bridge Corporation, Ltd.

La Corporation du Pont international de la voie maritime, Ltée

Standards Council of Canada

Conseil canadien des normes

Telefilm Canada

Téléfilm Canada

Clause 190, as amended, carried.

On Clause 191,

Marlene Jennings moved, — That Bill C-2, in Clause 191, be amended by deleting lines 7 to 10 on page 126.

After debate, by unanimous consent, the amendment was withdrawn.

Clause 191 carried on division.

Clause 192 carried on division.

Clause 193 carried on division.

STATEMENT BY THE CHAIR

The next clause that we will deal with is Clause 194 which relates to the *Public Servants Disclosure Protection Act*.

There are a series of other clauses which are related to this particular clause. I propose that we deal with all the amendments that pertain to the subject matter of Clause 194 before I put the question on Clause 194.

Therefore, we will first deal with the amendments to this clause and to Clauses 201, 203, 210, 222, 224 and 225.

Once this is done, I will put the question on Clause 194 and its results will be applied to all the consequential clauses – namely Clauses 195, 197, 210 to 211, 216 to 219 and 222 to 226.

On Clause 194,

Paul Dewar moved, — That Bill C-2, in Clause 194, be amended by replacing lines 2 and 3 on page 127 with the following:

“taken against a public servant or researcher, including a student in a post-secondary or research-affiliated institution, because the public servant or researcher has made a protected disclosure or has,”

After debate, the question was put on the amendment of Paul Dewar and it was negatived.

Monique Guay moved, — That Bill C-2, in Clause 194, be amended

(a) by adding after line 6 on page 127 the following:

“(3.1) The definition “reprisal” in subsection 2(1) of the Act is amended by striking out the word “and” at the end of paragraph (d), by adding the word “and” at the end of paragraph (e) and by adding the following after paragraph (e):

(f) any psychological harassment.”

(b) by adding after line 15 on page 127 the following:

““psychological harassment” means

(a) any vexatious behaviour in the form of hostile, inappropriate and unwanted conduct, verbal comments, actions or gestures that affects an employee’s dignity or psychological or physical integrity and that results in a harmful workplace for the employee, and

(b) any abuse of authority, including intimidation, threats, blackmail or coercion, that occurs when a person improperly uses the power or authority inherent in the person’s position to endanger an employee’s job, undermine the employee’s job performance, threaten the economic livelihood of the employee or interfere in any other way with the career of the employee;

and, for greater certainty, a single incident of such behaviour that has a lasting and harmful effect on an employee also constitutes psychological harassment.”

The question was put on the amendment of Monique Guay and it was negatived, by a show of hands: YEAS: 4; NAYS: 7.

Stephen Owen moved, — That Bill C-2, in Clause 194, be amended by replacing lines 16 to 18 on page 127 with the following:

““Tribunal” means the Canada Industrial Relations Board established by section 9 of the *Canada Labour Code*.”

RULING BY THE CHAIR

This amendment proposes to change the definition of “Tribunal” to the Canada Industrial Relations Board established in section 9 of the *Canada Labour Code*.

House of Commons Procedure and Practice states at page 654: “An amendment to a bill that was referred to committee after second reading is out of order if it is beyond the scope and principle of the Bill.”

Since the Canada Industrial Relations Board is not referred to elsewhere in this bill, I must rule that this amendment is proposing a new concept which is beyond the scope of Bill C-2 and is consequently inadmissible.

Whereupon, Stephen Owen appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained, by a show of hands: YEAS: 8; NAYS: 4.

On Clause 201,

Paul Dewar moved, — That Bill C-2, in Clause 201, be amended by replacing lines 10 and 11 on page 129 with the following:

“19.1 (1) Any person who has reasonable grounds for believ-”

After debate, the question was put on the amendment of Paul Dewar and it was negated.

Paul Dewar moved, — That Bill C-2, in Clause 201, be amended by deleting lines 38 to 40 on page 144 and lines 1 to 3 on page 145.

After debate, the question was put on the amendment of Paul Dewar and it was negated.

On Clause 203,

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 203, be amended by replacing lines 12 to 15 on page 148 with the following:

“(I) the power to request that a chief executive provide notice as referred to in section 36; and

(m) the power in section 37 and the power and duties in section 38 to make a report.”

On Clause 210,

On motion of Marlene Jennings, it was agreed, — That Bill C-2, in Clause 210, be amended

(a) by replacing line 29 on page 152 with the following:

“prepare a case report setting out”

(b) by adding after line 4 on page 153 the following:

“(3.3) Within the period referred to in subsection (3.1), the Commissioner shall submit the case report to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it.”

On Clause 222,

Stephen Owen moved, — That Bill C-2, in Clause 222, be amended by replacing lines 42 and 43 on page 159 and lines 1 to 24 on page 160 with the following:

“222. The Act is amended by adding the following after section 55:”

The question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the amendment was negated.

Paul Dewar moved, — That Bill C-2, in Clause 222, be amended by

(a) replacing lines 4 to 13 on page 160 with the following:

“**16.4** (1) The Public Sector Integrity Commissioner shall refuse to disclose any record requested under this Act that contains information

(a) obtained by him or her or on his or her behalf for the purposes of or in the course of an investigation under the *Public Servants Disclosure Protection Act*; or”

(b) replacing lines 18 to 24 on page 160 with the following:

“(2) Subsection (1) does not apply in respect of a record that contains information referred to in paragraph (1)(b) if the person who gave the information to the conciliator consents to the record being disclosed.

16.5 (1) The head of a government institution shall refuse to disclose any record requested under this Act that contains information created for the purpose of making a disclosure under the *Public Servants Disclosure Protection Act* or for the purpose of providing information referred to in section 33 of that Act if, at the time of the request,

(a) 15 working days have not yet passed since the day on which the disclosure was made, or the information was provided, as the case may be;

(b) an investigation into the disclosure, or an investigation commenced under section 33 of that Act in relation to the information, as the case may be, is ongoing; or

(c) 60 days have not yet passed since the day on which a report was made to a chief executive in respect of an investigation into the disclosure, or in respect of an investigation commenced under section 33 of that Act in relation to the information, as the case may be.

(2) The head of a government institution shall refuse to disclose any record requested under this Act that contains information created in the course of an investigation into a disclosure under the *Public Servants Disclosure Protection Act* or an investigation commenced under section 33 of that Act if, at the time of the request, the investigation is ongoing or 60 days have not yet passed since the day on which a report was made to a chief executive in respect of the investigation.

(3) The head of a government institution shall refuse to disclose any record requested under this Act that contains information that identifies or could reasonably be expected to lead to the identification of

(a) a public servant who made a disclosure under the *Public Servants Disclosure Protection Act*;

(b) a person who is not a public servant and who provided information referred to in section 33 of that Act;

(c) a person who cooperated in an investigation into a disclosure under that Act or an investigation commenced under section 33 of that Act;

(d) a person against whom allegations of wrongdoing have been made that have not been the subject of an investigation under that Act;

(e) a person against whom allegations of wrongdoing have been made that have been the subject of an investigation under that Act if the investigation did not result in a finding of wrongdoing by that person; or

(f) a person against whom allegations of wrongdoing have been made that have been the subject of an investigation under that Act if the investigation resulted in a finding of wrongdoing by that person but 60 days have not yet passed since the day on which a report was made to a chief executive in respect of the investigation.”

After debate, the question was put on the amendment of Paul Dewar and it was negatived.

Benoît Sauvageau moved, — That Bill C-2, in Clause 222, be amended by adding after line 24 on page 160 the following:

“16.6 Sections 16.4 and 16.5 apply in the year that follows

(a) in the case of paragraph 16.4(a), the conclusion of the investigation in the course of which the information was obtained or created;

(b) in the case of paragraph 16.4(b),

(i) a decision by the Public Sector Integrity Commissioner under subsection 19.4 (1) of the *Public Servants Disclosure Protection Act* not to deal with the complaint giving rise to the information, or

(ii) the earliest of the days referred to in paragraphs 19.5(3)(a) to (c) of that Act in relation to the complaint giving rise to the information; or

(c) in the case of section 16.5, the conclusion of an investigation into a disclosure made under that Act or, if no investigation was conducted, the disclosure in the course of which the information was created.”

The question was put on the amendment of Benoît Sauvageau and it was negatived, by a show of hands: YEAS: 5; NAYS: 6.

On Clause 224,

Paul Dewar moved, — That Bill C-2, in Clause 224, be amended by replacing lines 13 to 23 on page 162 with the following:

“57. Section 9 of the *Personal Information Protection and Electronic Documents Act* is amended by adding the following after subsection (5):

(6) Despite clause 4.9 of Schedule 1, an organization shall not give an individual access to personal information that was created for the purpose of making a disclosure under the *Public Servants Disclosure Protection Act* if, at the time of the request,

(a) 15 working days have not yet passed since the day on which the disclosure was made;

(b) an investigation into the disclosure is ongoing; or

(c) 60 days have not yet passed since the day on which a report was made to a chief executive in respect of an investigation into the disclosure.

(7) Despite clause 4.9 of Schedule 1, an organization shall not give an individual access to personal information that was created in the course of an investigation into a disclosure under the *Public Servants Disclosure Protection Act* if, at the time of the request, the investigation is ongoing or 60 days have not yet passed since the day on which a report was made to a chief executive in respect of the investigation.

(8) Despite clause 4.9 of Schedule 1, an organization shall not give an individual access to personal information that identifies or could reasonably be expected to lead to the identification of

(a) a public servant who made a disclosure under the *Public Servants Disclosure Protection Act*;

(b) a person who cooperated in an investigation into a disclosure under that Act ;

(c) a person against whom allegations of wrongdoing have been made that have not been the subject of an investigation under that Act;

(d) a person against whom allegations of wrongdoing have been made that have been the subject of an investigation under that Act if the investigation did not result in a finding of wrongdoing by that person; or

(e) a person against whom allegations of wrongdoing have been made that have been the subject of an investigation under that Act if the investigation resulted in a finding of wrongdoing by that person but 60 days have not yet passed since the day on which a report was made to a chief executive in respect of the investigation.”

The question was put on the amendment of Paul Dewar and it was negatived.

On Clause 225,

Stephen Owen moved, — That Bill C-2, in Clause 225, be amended by replacing lines 24 to 41 on page 162 and lines 1 to 7 on page 163 with the following:

“225. Section 58.1 of the Act is replaced by the following:”

After debate, the question was put on the amendment of Stephen Owen and it was negatived, by a show of hands: YEAS: 5; NAYS: 6.

Paul Dewar moved, — That Bill C-2, in Clause 225, be amended by replacing lines 31 on page 162 to line 7 on page 163 with the following:

that was obtained by him or her or on his or her behalf for the purposes of or in the course of an investigation under the *Public Servants Disclosure Protection Act*.

22.3 (1) The head of a government institution shall refuse to disclose personal information requested under subsection 12(1) that was created for the purpose of making a disclosure under the *Public Servants Disclosure Protection Act* or for the purpose of providing information referred to in section 33 of that Act if, at the time of the request,

- (a) 15 working days have not yet passed since the day on which the disclosure was made, or the information was provided, as the case may be;
 - (b) an investigation into the disclosure, or an investigation commenced under section 33 of that Act in relation to the information, as the case may be, is ongoing; or
 - (c) 60 days have not yet passed since the day on which a report was made to a chief executive in respect of an investigation into the disclosure, or in respect of an investigation commenced under section 33 of that Act in relation to the information, as the case may be.
- (2) The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was created in the course of an investigation into a disclosure under the *Public Servants Disclosure Protection Act* or an investigation commenced under section 33 of that Act if, at the time of the request, the investigation is ongoing or 60 days have not yet passed since the day on which a report was made to a chief executive in respect of the investigation.
- (3) The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that identifies or could reasonably be expected to lead to the identification of
- (a) a public servant who made a disclosure under the *Public Servants Disclosure Protection Act*;
 - (b) a person who is not a public servant and who provided information referred to in section 33 of that Act;
 - (c) a person who cooperated in an investigation into a disclosure under that Act or an investigation commenced under section 33 of that Act;
 - (d) a person against whom allegations of wrongdoing have been made that have not been the subject of an investigation under that Act;
 - (e) a person against whom allegations of wrongdoing have been made that have been the subject of an investigation under that Act if the investigation did not result in a finding of wrongdoing by that person; or
 - (f) a person against whom allegations of wrongdoing have been made that have been the subject of an investigation under that Act if the investigation resulted in a finding of wrongdoing by that person but 60 days have not yet passed since the day on which a report was made to a chief executive in respect of the investigation.

By unanimous consent, the amendment was withdrawn.

Clause 194 carried on division.

Accordingly, Clauses 195, 197, 201, 210 as amended, 211, Clauses 216 to 219 and Clauses 222 to 226 carried.

Clause 196 carried.

Clause 197 carried.

Clause 198 carried.

Clause 199 carried.

Clause 200 carried.

On Clause 212,

Pierre Poilievre moved, — That Bill C-2, in Clause 212, be amended by replacing lines 4 and 5 on page 154 with the following:

“may assign.

(1.2) The assignment of powers, duties and functions by the Commissioner to the Deputy Commissioner may include the delegation to the Deputy Commissioner of any of the Commissioner's powers, duties and functions, including those referred to in paragraphs 25(1)(a) to (k) and the powers in sections 36 and 37, but it may not include the delegation of the Commissioner's power or any of his or her duties in section 38.”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to, by a show of hands: YEAS: 10; NAYS: 2.

At 9:01 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-06-30 3:55 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 27

Wednesday, June 14, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Paul Dewar,
Brian Fitzpatrick,
Monique Guay,
Hon. Marlene Jennings,
Ed Komarnicki,
Tom Lukiwski,
Pat Martin,
James Moore,
Brian Murphy,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

IN ATTENDANCE:

House of Commons:

Susan Baldwin, Legislative Clerk;
Joann Garbig, Legislative Clerk.

Library of Parliament:

Katherine Kirkwood, Director;
Élise Hurtubise-Loranger, Analyst.

WITNESSES:

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary, Accountability in
Government.

Department of Justice:

Joe Wild, Senior Counsel, Legal Services, Treasury Board
Portfolio.

Privy Council Office:

Marc O'Sullivan, Acting Secretary to the Cabinet, Senior Personnel
and Special Projects Secretariat.

Miriam Burke
Clerk of the Committee



Close

MINUTES OF PROCEEDINGS

Meeting No. 27

Wednesday, June 14, 2006

The Legislative Committee on Bill C-2 met in a televised session at 3:31 p.m. this day, in Room 237-C, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Paul Dewar, Brian Fitzpatrick, Monique Guay, Hon. Marlene Jennings, Ed Komarnicki, Tom Lukiwski, Pat Martin, James Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: House of Commons: Susan Baldwin, Legislative Clerk; Joann Garbig, Legislative Clerk. *Library of Parliament:* Katherine Kirkwood, Director; Elise Hurtubise-Loranger, Analyst.

Witnesses: Treasury Board of Canada Secretariat: Susan M.W. Cartwright, Assistant Secretary, Accountability in Government. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio. *Privy Council Office:* Marc O'Sullivan, Acting Secretary to the Cabinet, Senior Personnel and Special Projects Secretariat.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee resumed its clause-by-clause study of the Bill.

The witnesses answered questions.

Clauses 212 to 215 inclusive carried severally.

On Clause 220,

Pierre Poilievre moved, — That Bill C-2 be amended by deleting Clause 220.

RULING BY THE CHAIR

This amendment proposes to delete clause 220. *House of Commons Procedure and Practice* states on page 656 that “An amendment is out of order if it simply attempts to delete a clause, since in that case all that needs to be done is to vote against the adoption of the clause in question.” Therefore this amendment is inadmissible.

Clause 220 was negatived.

Clause 221 carried.

Clause 227 carried.

On new Clause 227.1,

Stephen Owen moved, — That Bill C-2 be amended by adding after line 40 on page 163 the following new clause:

“PUBLIC SERVICE EMPLOYMENT ACT

227.1. Subsection 23(3) of the *Public Service Employment Act* is replaced by the following:

(3) The Commission may, at any time, prepare a special report referring to and commenting on any matter within the scope of the powers and functions of the Commission where, in the opinion of the Commission, the matter is of such urgency or importance that a report on it should not be deferred until the time provided for transmission of the next annual report of the Commission.

(4) The Commission shall submit the special report to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it.”

RULING BY THE CHAIR

This amendment proposes that special reports of the commission will be submitted to the Speaker of the Senate and the House for tabling in each House. It is amending subsection 23(3) of the *Public Service Employment Act*. *House of Commons Procedure and Practice* states on page 654 that “an amendment is inadmissible if it amends a statute that is not before the committee or a section of the parent Act unless it is being specifically amended by a clause of the bill.” Since section 23 of the *Public Service Employment Act* is not being amended by Bill C-2, it is inadmissible to propose such an amendment.

On Clause 228,

Stephen Owen moved, — That Bill C-2, in Clause 228, be amended by replacing lines 1 to 9 on page 164 with the following:

“PUBLIC SERVICE EMPLOYMENT ACT

228. The *Public Service Employment Act* is amended by adding the following after section 65:

PART 4.1

PUBLIC APPOINTMENTS COMMISSION

65.1 (1) The Governor in Council may establish a Public Appointments Commission consisting of a chairperson and not more than four other members, and may appoint the chairperson and other members and fix their remuneration and expenses.

(2) The Governor in Council may, by order, designate the positions or classes of positions to which this section applies.

(3) The Public Appointments Commission shall establish selection criteria and may carry out selection processes for Governor in Council appointments to ensure that those appointments are meritorious, fair and transparent, represent Canada’s diversity and embody linguistic duality.

(4) The Public Service Commission may conduct audits on the consistency of the selection criteria and selection processes for Governor in Council appointments with the values provided for in subsection (3) and shall report its findings in its annual or special reports made under section 23.”

After debate, the question was put on the amendment of Stephen Owen and it was negatived, by a show of hands: YEAS: 4; NAYS: 8.

Benoît Sauvageau moved, — That Bill C-2, in Clause 228, be amended by replacing lines 3 to 9 on page 164 with the following:

“APPOINTMENTS BY GOVERNOR IN COUNCIL

1.1 Appointments made by the Governor in Council, other than appointments to the office of minister of the Crown, minister of state, parliamentary secretary or deputy minister, are subject to the approval of the standing committee of the House of Commons that normally considers matters within the responsibilities of the office to which the appointment is being made, or to the approval of any other committee that the House may designate for the purposes of this section.”

The question was put on the amendment of Benoît Sauvageau and it was negatived, by a show of hands: YEAS: 2; NAYS: 9.

Pat Martin moved, — That Bill C-2, in Clause 228, be amended by replacing lines 3 to 9 on page 164 with the following:

“1.1 (1) The Governor in Council may establish a Public Appointments Commission, consisting of a chairperson and not more than four other members

(a) to oversee, monitor, review and report on the selection process for appointments and reappointments by the Governor in Council to agencies, boards, commissions and Crown corporations, and to ensure that every such process is widely made public and conducted in a fair, open and transparent manner and that the appointments are based on merit;

(b) to evaluate and approve the selection processes proposed by ministers to fill vacancies and determine reappointments within their portfolios, monitor and review those processes, and ensure that they are implemented as approved, giving special attention to any instances in which ministers make appointments that are inconsistent with the recommendations of appointment panels;

(c) to develop and establish a code of practice for appointments by the Governor in Council and ministers that sets out the steps that are necessary for a fair, open and transparent appointment process, including requirements for appointments and criteria for appointments to be made fully public;

(d) to audit appointment policies and practices in order to determine whether the code of practice is being observed;

(e) to report publicly on compliance with the code of practice, in particular by providing an annual report to the Prime Minister to be transmitted to the Speaker of each House of Parliament for tabling and referral to the appropriate committee of that House for study;

(f) to provide public education and training of public servants involved in appointment and reappointment processes regarding the code of practice; and

(g) to perform any other function specified by the Governor in Council.

(2) Before making a recommendation to the Governor in Council that a person be appointed to the Commission, the Prime Minister shall consult with the leader of every recognized party in the House of Commons. An announcement of an appointment shall be transmitted to the Speaker of the House of Commons for tabling in that House.

(3) Members of the Commission hold office during good behaviour for a term of five years and may be reappointed for a further term or terms, but are removable for cause by the Governor in Council.

(4) In its report, the Commission shall identify any material failure to comply with its code of practice by any department, Minister or official.

1.2 (1) Members of the Public Appointments Commission shall be paid the remuneration and expenses fixed by the Governor in Council.

(2) Any employees that are required by the Commission to enable it to carry out its functions shall be appointed in accordance with the *Public Service Employment Act*."

Marlene Jennings moved, — That the amendment be amended in section 1.1 (1) after the words "The Governor in Council" by replacing the word "may" with the word "shall"; and that the amendment be amended by adding in section 1.1 (4) after the words "Minister or official" the following: ", and the government shall take into consideration any such information"

After debate, the question was put on the subamendment and the result of the vote was announced:
YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the subamendment was negatived.

After debate, the question was put on the amendment of Pat Martin and it was agreed to, by a show of hands: YEAS: 9; NAYS: 3.

Clause 228, as amended, carried on division.

On Clause 229,

Pat Martin moved, — That Bill C-2, in Clause 229, be amended by replacing lines 10 to 16 on page 164 with the following:

"229. (1) Sections 3.1 and 3.3 of the *Access to Information Act*, as enacted by section 144 of this Act, as well as section 142.1, subsection 143(2), sections 145 to 151, 156 and 159 to 162, subsection 164(1), sections 165 to 179, subsection 181(2) and sections 183, 184 and 186 to 193 of this Act and any provisions enacted by those provisions come into force on a day or days to be fixed by order of the Governor in Council.

(2) Despite subsection (1), the definition "government institution" in section 3 of the *Access to Information Act*, as enacted by subsection 143(2) of this Act, and the definition "government institution" in section 3 of the *Privacy Act*, as enacted by subsection 181(2) of this Act, do not apply in

respect of the Canada Pension Plan Investment Board unless the lieutenant governor in council of each of at least two thirds of the included provinces, within the meaning of subsection 114(1) of the *Canada Pension Plan*, having in the aggregate not less than two thirds of the population of all of the included provinces, has signified the consent of that province to the application of those definitions to the Board.”

On motion of Pierre Poilievre, it was agreed, — That the amendment be amended by substituting the proposed text of **229** (1) by the following:

“**229.** (1) Sections 3.01 and 3.1 of the Access to Information Act, as enacted by section 144 of this Act, and section 3.01 of the Privacy Act, as enacted by section 182 of this Act, as well as subsection 143(2), sections 145 to 151, 156 and 159 to 162, subsection 164(1), sections 165 to 179, subsection 181(2) and sections 183, 184 and 186 to 193 of this Act and any provisions enacted by those provisions come into force on a day or days to be fixed by order of the Governor in Council. ”

The question was put on the amendment of Pat Martin, as amended, and it was agreed to.

Clause 229, as amended, carried.

On Clause 230,

Pierre Poilievre moved, — That Bill C-2 be amended by deleting Clause 230.

The Chair ruled the proposed amendment inadmissible because it proposed the deletion of the clause, as provided on page 656 of House of Commons Procedure and Practice.

Clause 230 was negated by a show of hands: YEAS: 5; NAYS: 6.

Clauses 231 to 238 inclusive carried severally.

On Clause 239,

STATEMENT BY THE CHAIR

The vote on Clause 239 will apply to Clauses 259 to 261 inclusive, Clause 270, Clause 272 to Clause 277, Clause 299, and the Schedule.

On Clause 261,

Marlene Jennings moved, — That Bill C-2, in Clause 261, be amended by replacing line 7 on page 174 with the following:

“accountability to the House of Commons, and subject to the”

(b) by replacing line 12 on page 174 with the following:

“pripate committee of that House for”

After debate, by unanimous consent, the amendment was withdrawn.

Pierre Poilievre moved, — That Bill C-2, in Clause 261, be amended by

(a) replacing line 12 on page 174 with the following:

“pripate committees of the Senate and the House of Commons for”

(b) replacing line 33 on page 174 with the following:

“appropriate committees of the Senate and the House of Commons for”

(c) replacing line 7 on page 175 with the following:

“appropriate committee of the Senate or the House of Commons and answer”

After debate, the question was put on the amendment of Pierre Poilievre and it was agreed to.

On Schedule 1,

Pierre Poilievre moved, — That Bill C-2, in the Schedule, be amended by replacing Schedule VII to the Financial Administration Act on page 202 with the following:

“SCHEDULE VII

(Section 42)

1. Crees and Naskapis of Quebec
2. Sechelt Indian Band
3. Vuntut Gwitchin First Nation
4. Teslin Tlingit Council
5. Champagne and Aishihik First Nations
6. Tr’ondëk Hwëch’in
7. First Nation of Nacho Nyak Dun
8. Little Salmon/Carmacks First Nation
9. Carcross/Tagish First Nation
10. Kwanlin Dun First Nation
11. Kluane First Nation
12. Selkirk First Nation

13. Ta'an Kwach'an Council

14. Nisga'a Nation

15. Westbank First Nation

16. Tlicho First Nation

17. Inuit of Labrador"

At 5:09 p.m., the sitting was suspended.

At 5:21 p.m., the sitting resumed.

By unanimous consent, the amendment was allowed to stand.

Clause 239 carried on division.

Accordingly, Clauses 259 to 260, Clause 261 as amended, Clause 270, Clauses 272 to 277, Clause 299 and the Schedule carried.

Clause 240 carried.

Clause 241 carried.

Clause 242 carried.

Clause 243 carried.

Clause 244 carried.

Clause 245 carried.

On Clause 246,

STATEMENT BY THE CHAIR

There are some consequential clauses, so the vote on clause 246 applies to clause 248, clauses 264 to 268, clause 271, and clause 297.

Clause 246 carried.

Accordingly, Clauses 248, Clauses 264 to 268, Clause 271 and Clause 297 carried.

On New Clauses 246.1 and 246.2,

Pierre Poilievre moved, — That Bill C-2 be amended by adding after line 13 on page 168 the following new clauses:

“**246.1** Subsection 11(4) of the *Canadian Tourism Commission Act* is replaced by the following:

(4) The directors appointed under subsection (1) hold office during pleasure on a part-time basis for a term not exceeding four years.

246.2 Subsection 12(3) of the Act is replaced by the following:

(3) The directors appointed under subsection (1) hold office during pleasure on a part-time basis for a term not exceeding four years.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Clause 247 carried on division.

STATEMENT BY THE CHAIR

The vote on Clause 249 applies to Clauses 250 to 255.

Clause 249 carried on division.

Accordingly, Clauses 250 to 255 carried.

Clause 256 carried on division.

Clause 257 carried.

Clause 258 carried.

Clause 262 carried.

Clause 263 carried.

Clause 269 carried.

Clauses 278 to 284 inclusive carried severally.

On Clause 285,

STATEMENT BY THE CHAIR

Clause 285 relates to *The National Capital Act*. There are a series of other clauses which are related to this particular clause. I propose that we deal with all the amendments that pertain to the subject matter of Clause 285 before I put the question on Clause 285. Therefore, we will first deal with the amendments to Clauses 287 and 288. Once this is done, I will put the question on Clause 285 and its results will be applied to all the consequential clauses – namely Clauses 286 to 291. Therefore I will call for the first amendment which relates to Clause 287.

On Clause 287,

Paul Dewar moved, — That Bill C-2, in Clause 287, be amended by replacing lines 21 to 31 on page 182 and lines 1 to 23 on page 183 with the following:

“287. Section 3 of the Act is replaced by the following:

3. (1) The corporation called the National Capital Commission is continued, and shall consist of seven members, including a Chairperson and a Chief Executive Officer.
- (2) Appointments to the Commission shall be free from political influence and shall be made on the basis of merit as determined by a Committee of the House of Commons, to be known as the Appointment Committee, established for that purpose.
- (3) The Appointment Committee shall include at least one member of the House of Commons from each party that has a recognized membership of twelve or more persons in the House of Commons.
- (4) Within the first fifteen days after the Appointment Committee has made a selection, a report including the qualifications of the eligible candidates and the reasons for the Appointment Committee's selection shall be made available for public scrutiny at the principal office of the Commission.
- (5) The Minister shall cause a copy of the report to be laid before each House of Parliament within the first fifteen days on which that House is sitting after the day on which the Minister has received the report.
- (6) Each member holds office during good behaviour for a term not exceeding four years.
- (7) Each member, on the expiration of a first term of office, is eligible to be re-appointed for a further term not exceeding four years.
- (8) The members shall be appointed as follows:
 - (a) two, ordinarily resident in the National Capital Region, from local municipalities in Ontario, at least two of whom must be from the city of Ottawa;
 - (b) two, ordinarily resident in the National Capital Region, from local municipalities in Quebec, at least one of whom shall be from the section of the city of Gatineau that is west of the Gatineau River; and
 - (c) three from Canada generally, other than from a city or municipality referred to in either of paragraphs (a) or (b).
- (9) A member is eligible to be appointed from a local municipality if, at the time of the appointment, the member normally resides in that municipality.
- (10) A vacancy in the membership of the Commission does not impair the right of the remaining members to act.
- (11) The *Public Service Superannuation Act* does not apply to a member unless the Governor in Council otherwise directs.”

RULING BY THE CHAIR

This amendment proposes a process for the appointment of members to the National Capital Commission. Specifically, subclause (2) creates a committee of the House of Commons. *House of Commons Procedure and Practice* states at page 654: “An amendment to a bill that was referred to

committee after second reading is out of order if it is beyond the scope and principle of the Bill.” The creation of a committee of the House is a new concept which is beyond the scope of Bill C-2 and this amendment is consequently inadmissible.

Whereupon, Paul Dewar appealed the decision of the Chair.

The question: “Shall the decision of the Chair be sustained?” was put and the decision was sustained.

The Chair's decision was sustained.

On Clause 288,

On motion of Tom Lukiwski, it was agreed, — That Bill C-2, in Clause 288, be amended by replacing, in the English version, line 28 on page 183 with the following:

“or of a vacancy in either office, the Commission shall”

Clause 285 carried on division.

Accordingly, Clauses 286, 287, 288 as amended and Clauses 289 to 291 carried.

STATEMENT BY THE CHAIR

Clause 292 relates to the *Pilotage Act*. It is consequential to clauses 293 to 296. The vote on clause 292 will apply to clauses 293-296.

Clause 292 carried.

Accordingly, Clauses 293 to 296 carried.

Clause 298 carried.

Clause 300 carried.

Clause 301 carried.

On Clause 302,

Pierre Poilievre moved, — That Bill C-2 be amended by deleting Clause 302.

RULING BY THE CHAIR

This amendment proposes to delete Clause 302. *House of Commons Procedure and Practice* states at page 656: “An amendment is out of order if it simply attempts to delete a clause, since in that case all that needs to be done is to vote against the adoption of the clause in question.” Therefore, this amendment is inadmissible.

Clause 302 was negatived.

Clause 303 carried.

On Clause 304,

STATEMENT BY THE CHAIR

Clause 304 relates to procurement in the *Auditor General Act*. There are a number of other Clauses related to this particular clause, so we'll deal with all the amendments pertaining to Clause 304 before we put the question. So we'll first deal with the amendments to this Clause and to Clause 305 and Clause 307, and then we will put the vote on Clause 304. The vote on Clause 304 will apply to Clauses 305 to 307.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 304, be amended by

(a) replacing, in the English version, line 25 on page 187 with the following:

“that expression by subsection 42(4) of the”

(b) by replacing, in the English version, line 30 on page 187 with the following:

“expression by subsection 42(4) of the *Financial*”

On Clause 305,

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 305, be amended by

(a) replacing, in the English version, line 2 on page 188 with the following:

“the definition “recipient” in subsection 42(4) of”

(b) by replacing, in the English version, line 9 on page 188 with the following:

“definition “recipient” in subsection 42(4) of the”

On Clause 307

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 307, be amended by replacing lines 20 to 22 on page 188 with the following:

“respect to a recipient under any funding agreement, inquire into whether”

Clause 304, as amended, carried.

Accordingly, Clause 305 as amended, Clause 306 and Clause 307 as amended, carried severally.

On Clause 308

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 308, be amended

(a) by replacing, in the French version, lines 6 and 7 on page 189 with the following:

“qui sont confiées au vérificateur général en matière de vérification en vertu de toute loi fédérale, ce

dernier et les”

(b) by replacing line 21 on page 189 with the following:

“powers, duties or functions under this or any other Act of Parliament.”

(c) by replacing line 29 on page 189 with the following:

“functions under this or any other Act of Parliament, is privileged; and”

(d) by replacing line 33 on page 189 with the following:

“powers, duties or functions under this or any other Act of Parliament,”

Clause 308, as amended, carried.

On Clause 309,

Paul Dewar moved, — That Bill C-2, in Clause 309, be amended by replacing lines 7 to 12 on page 191 with the following:

“**22.2** (1) Any person may file a complaint referred to in paragraph 22.1(3)(b) or (c).”

After debate, the question was put on the amendment of Paul Dewar and it was negatived.

On Clause 309,

STATEMENT BY THE CHAIR

The vote on Clause 309 will apply to Clause 310.

Clause 309 carried.

Accordingly, Clause 310 carried.

At 5:53 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006/06/30 3:59 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: David Tilson.

Meeting No. 28

Wednesday, June 14, 2006

ORDER OF THE DAY:

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Marlene Jennings,
Tom Lukiwski,
Hon. Stephen Owen,
Daniel Petit,
Pierre Poilievre,
Benoît Sauvageau,
David Tilson
and Alan Tonks.

OTHER MEMBERS PRESENT:

Claude Bachand.

IN ATTENDANCE:

House of Commons:
Élise Hurtubise-Loranger.
Library of Parliament:
Katherine Kirkwood, Director.

WITNESSES:

Treasury Board of Canada Secretariat:

Susan M.W. Cartwright, Assistant Secretary, Accountability in Government.

Department of Justice:

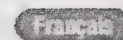
Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio.

OTHER PARTICIPANTS PRESENT:

Legislative Committee on Bill C-2:

Monique Guay;
James Moore;
Rob Moore;
Brian Murphy.

Miriam Burke
Clerk of the Committee

[Close](#)

MINUTES OF PROCEEDINGS

Meeting No. 28

Wednesday, June 14, 2006

The Legislative Committee on Bill C-2 met in a televised session at 6:31 p.m. this day, in Room 237-C, Centre Block, the Chair, David Tilson, presiding.

Members of the Committee present: Claude Bachand, Paul Dewar, Monique Guay, Hon. Marlene Jennings, Tom Lukiwski, James Moore, Rob Moore, Brian Murphy, Hon. Stephen Owen, Daniel Petit, Pierre Poilievre, Benoît Sauvageau, David Tilson and Alan Tonks.

In attendance: Library of Parliament: Katherine Kirkwood, Analyst; Élise Hurtubise-Loranger, Analyst.
House of Commons: Susan Baldwin, Legislative Clerk; Joann Garbig, Legislative Clerk.

Witnesses: Treasury Board of Canada Secretariat: Susan M.W. Cartwright, Assistant Secretary, Accountability in Government. *Department of Justice:* Joe Wild, Senior Counsel, Legal Services, Treasury Board Portfolio.

Pursuant to the Order of Reference of Thursday, April 27, 2006, the Committee resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Committee resumed its clause-by-clause study of the Bill.

The witnesses answered questions.

Clauses 311 to 314 inclusive carried severally.

On Clause 315

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 315, be amended by replacing line 22 on page 193 with the following:

“money by Her Majesty or a Crown corporation — or in documents, or”

Paul Dewar moved, — That Bill C-2, in Clause 315, be amended by adding after line 41 on page 193 the following:

“(e) requiring public disclosure of basic information on government contracts.”

Stephen Owen moved, — That the amendment be amended by adding after the word “contracts” the following:

“for the performance of work, the supply of goods or the rendering of services over \$10,000.00”

After debate, the question was put on the subamendment and the result of the vote was announced:
YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the negative.

Accordingly, the subamendment was negatived.

After debate, the question was put on the amendment of Paul Dewar and it was negatived, by a show of hands: YEAS: 5; NAYS: 7.

Paul Dewar moved, — That Bill C-2, in Clause 315, be amended by adding after line 41 on page 193 the following:

“(f) requiring that contracts for the performance of work, the supply of goods or the rendering of services not be awarded to firms that normally lobby the Government of Canada.”

After debate, the question was put on the amendment of Paul Dewar and it was negatived, by a show of hands: YEAS: 3; NAYS: 8.

On motion of Pierre Poilievre, it was agreed, — That Bill C-2, in Clause 315, be amended by replacing, in the English version, line 18 on page 194 with the following:

“recipient receives a grant, contribution or other funding from Her Majesty in”

On motion of Pierre Poilievre, it was agreed on division, — That Bill C-2, in Clause 315, be amended by replacing line 33 on page 194 with the following:

“provincial government, a municipality or the government of an”

Paul Dewar moved, — That Bill C-2, in Clause 315, be amended by adding after line 35 on page 194 the following:

“(c.1) the council of a band as defined in subsection 2(1) of the *Indian Act*, any member of the council or any agency of the band;”

Paul Dewar moved, — That the amendment be amended by adding after the word “band” the following:

“or an aboriginal body that is party to a self-government agreement given effect by an Act of Parliament or any of their agencies; ”

At 7:20 p.m., the sitting was suspended.

At 7:36 p.m., the sitting resumed.

STATEMENT BY THE CHAIR

The amendment to remove Schedule VII from the Schedule to this Act is consequential to the proposed amendment. So for coherence the committee should also remove the reference to Schedule VII in Clause 272. This requires unanimous consent of the committee to reopen that clause.

After debate, the question was put on the amendment of Paul Dewar, as amended, and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Clause 315, as amended, carried.

It was agreed, — That Bill C-2, in the Schedule, be amended by deleting Schedule VII to the *Financial Administration Act* on page 202.

Accordingly, by unanimous consent, it was agreed that Clause 272 be re-opened and that the reference to Schedule VII be removed.

Clause 272, as amended, carried.

Clause 316 carried on division.

Clause 317 carried on division.

Schedule 1, as amended, carried.

On Clause 1,

Benoît Sauvageau moved, — That Bill C-2, in Clause 1, be amended by replacing, in the French version, line 4 on page 1 with the following:

“1. *Loi fédérale sur la responsabilité.*”

The question was put on the amendment of Benoît Sauvageau and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

Clause 1, as amended, carried.

The title carried.

The Bill, as amended, carried on division.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-2, as amended, be reprinted for the use of the House at report stage.

At 8:06 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke
Clerk of the Committee

2006-06-30 3:31 p.m.

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HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: Rick Dykstra.

Meeting No. 1

Tuesday, October 30, 2007

ORDER OF THE DAY:

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Larry Bagnell,
Joe Comartin,
Rick Dykstra,
Carole Freeman,
Richard Harris,
Hon. Marlene Jennings,
Gerald Keddy,
Daryl Kramp,
Derek Lee,
Réal Ménard,
Rob Moore,
Brian Murphy
and Daniel Petit.

IN ATTENDANCE:

House of Commons:

Mike MacPherson, Legislative Clerk;
Chad Mariage, Procedural Clerk.

Library of Parliament:

Robin MacKay, Analyst;
Dominique Valiquet, Analyst.

Christine Lafrance
Clerk of the Committee

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MINUTES OF PROCEEDINGS

Meeting No. 1

Tuesday, October 30, 2007

Pursuant to Standing Order 113(3) the Legislative Committee on Bill C-2 met at 11:05 a.m. this day, in Room 112-N, Centre Block, the Chair, Rick Dykstra, presiding.

Members of the Committee present: Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Richard Harris, Hon. Marlene Jennings, Gerald Keddy, Daryl Kramp, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

In attendance: House of Commons: Mike MacPherson, Legislative Clerk; Chad Mariage, Procedural Clerk. *Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

The Committee proceeded to the consideration of matters related to Committee business.

Réal Ménard moved, — That the Minister of Justice be invited to appear before the Committee from 4:30 p.m. to 5:30 p.m. today, and the officials appear between 3:30 p.m. and 4:30 p.m.

Debate arose thereon.

By unanimous consent, the motion was withdrawn.

On motion of Réal Ménard, it was agreed, — That the Minister appears today from 4:30 p.m. to 5:30 p.m. with his officials, that the meeting be televised, and that the Minister appears again with his officials before the clause-by-clause of the bill, if needed.

On motion of Larry Bagnell, it was agreed, — That the Committee retain, as needed, and at the discretion of the Chair, the services of one or more analysts from the Library of Parliament to assist it in its work.

Derek Lee moved, — That the Chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least three (3) members are present, including one member of the opposition.

On motion of Réal Ménard, it was agreed, — That the motion be amended by replacing the word “three” with the word “five”, and the word “one” by the word “two”.

After debate, the question was put on the motion, as amended, and it was agreed to.

The motion, as amended, read as follows:

That the Chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least five (5) members are present, including two (2) members of the opposition.

On motion of Derek Lee, it was agreed, — That only the Clerk of the Committee be authorized to

distribute documents to members of the Committee and only when such documents exist in both official languages.

On motion of Derek Lee, it was agreed, — That the Clerk of the Committee be authorized to make the necessary arrangements to provide working meals for the Committee and its Subcommittees.

On motion of Marlene Jennings, it was agreed, — That if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses, not exceeding two (2) representatives per organization; and that, in exceptional circumstances, payment for more representatives be made at the discretion of the Chair.

Marlene Jennings moved, — That, unless otherwise ordered, each Committee member be allowed to be accompanied by one staff person at an *in camera* meeting.

Réal Ménard moved, — That the motion be amended by adding after the word “meeting”, the following: “one party staff”.

After debate, the question was put on the amendment of Réal Ménard and it was agreed to.

After debate, the question was put on the motion, as amended, and it was agreed to.

The motion, as amended, read as follows:

That unless otherwise ordered, each Committee member be allowed to be accompanied by one staff person at an *in camera* meeting and one party staff.

On motion of Marlene Jennings, it was agreed, — That one copy of the transcript of each *in camera* meeting be kept in the Committee Clerk’s office for consultation by members of the Committee.

Marlene Jennings moved, — That the Committee’s meetings be televised.

Derek Lee moved, — That the motion be amended by adding after the word “televised” the following: “unless otherwise determined by the Committee”.

After debate, the question was put on the amendment of Derek Lee and it was agreed to.

After debate, the question was put on the motion, as amended, and it was agreed to.

The motion, as amended, read as follows:

That the Committee’s meetings be televised unless otherwise determined by the Committee.

Derek Lee moved, — That 48 hours’ notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration; and that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages.

Rob Moore moved, — That the motion be amended by deleting the words “unless the substantive motion relates directly to business then under consideration”.

After debate, by unanimous consent, the motion was withdrawn.

Réal Ménard moved, — That the motion be amended by replacing the word “48” with the word “24”.

After debate, the question was put on the amendment of Réal Ménard and it was agreed to.

After debate, the question was put on the motion, as amended, and it was agreed to.

The motion, as amended, read as follows:

That 24 hours’ notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration; and that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages.

On motion of Richard Harris, it was agreed, — That witnesses be given ten (10) minutes to make their opening statement; that, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes to the first questioner of each party, starting with the opposition parties; and that thereafter, five (5) minutes be allocated to each subsequent questioner, alternating between opposition parties and Government.

On motion of Gerald Keddy, it was agreed, — That the lists of witnesses be provided to the Clerk no later than November 1st, 2007.

Derek Lee moved, — That amendments to Bill C-2 be submitted to the Clerk 48 hours before the beginning of clause-by-clause consideration.

Réal Ménard moved, — That the motion be amended by adding after the word “consideration” the following: “without precluding the tabling of additional amendments from the floor”.

After debate, the question was put on the amendment of Réal Ménard and it was agreed to.

Joe Comartin moved, — That the motion be amended by replacing the word “48” with the word “24”.

After debate, the question was put on the amendment of Joe Comartin and it was agreed to.

After debate, the question was put on the motion, as amended, and it was agreed to.

The motion, as amended, read as follows:

That amendments to Bill C-2 be submitted to the Clerk 24 hours before the beginning of clause-by-clause consideration, without precluding the tabling of additional amendments from the floor.

Réal Ménard moved, — That the Subcommittee on Agenda and Procedure be established and be composed of the Chair and a member from each party.

After debate, the question was put on the motion and it was negatived, by a show of hands: YEAS: 2; NAYS: 8.

Réal Ménard moved, — That the Committee meets on Tuesdays and Thursdays from 9:00 a.m. to 11:00 a.m. and on Wednesday from 3:30 p.m. to 5:30 p.m.

After debate, the question was put on the motion and it was agreed to.

Gerald Keddy moved, — That the Committee meets on Monday, November 19, from 3:30 p.m. to 5:30 p.m., on Tuesday, November 20, from 9:00 a.m. to 11:00 a.m. to proceed with clause-by-clause of the Bill.

After debate, by unanimous consent, the motion was withdrawn.

Marlene Jennings moved, — That the Committee proceeds with clause-by-clause of the bill on Tuesday, November 20th, from 9:00 a.m. to 1:00 p.m. and if not completed, the Committee sit on Wednesday, November 21st, from 3:30 p.m. until clause-by-clause is completed.

Debate arose thereon.

Rob Moore moved, — That the motion be amended by replacing the words “and if not completed, the Committee sit on Wednesday, November 21st, from 3:30 p.m. until clause-by-clause is completed” with the words “and that the Committee meets on Wednesday, November 21st, from 3:30 p.m. to 5:30 p.m. if necessary”.

After debate, the question was put on the amendment of Rob Moore and it was negatived, by a show of hands: YEAS: 5; NAYS: 7.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 7; NAYS: 5.

At 12:34 p.m., the sitting was suspended.

At 12:36 p.m., the sitting resumed.

Marlene Jennings moved, — That the Committee study primarily the Bill C-27 portion of Bill C-2; accordingly, that the Committee uses the list of witnesses established by the Bill C-27 Legislative Committee in the First session of the 39th Parliament; that the evidence and documentation received by the Legislative Committee on Bill C-27 in the First session of the 39th Parliament be taken into consideration by this Committee; and that the witnesses who have testified in the First session, 39th Parliament be invited back before this committee, if needed.

After debate, the question was put on the motion and it was agreed to.

At 12:41 p.m., the Committee adjourned to the call of the Chair.

Christine Lafrance
Clerk of the Committee

2007/11/07 10:41

HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS
LÉGISLATIVE COMMITTEE ON BILL C-2

Chair: Rick Dykstra.

Meeting No. 2

Tuesday, October 30, 2007

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Larry Bagnell,
Joe Comartin,
Rick Dykstra,
Carole Freeman,
Richard Harris,
Hon. Marlene Jennings,
Gerald Keddy,
Daryl Kramp,
Derek Lee,
Réal Ménard,
Rob Moore,
Brian Murphy
and Daniel Petit.

IN ATTENDANCE:

House of Commons:

Mike MacPherson, Legislative Clerk.

Library of Parliament:

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

APPEARING:

Hon. Rob Nicholson, Minister of Justice and Attorney General of Canada.

WITNESSES:

Department of Justice:

Douglas Hoover, Counsel, Criminal Law Policy Section;

Catherine Kane, Acting Senior General Counsel, Criminal Law Policy Section.

Christine Lafrance
Clerk of the Committee

 Close

MINUTES OF PROCEEDINGS

Meeting No. 2

Tuesday, October 30, 2007

The Legislative Committee on Bill C-2 met in a televised session at 4:32 p.m. this day, in Room 237-C, Centre Block, the Chair, Rick Dykstra, presiding.

Members of the Committee present: Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Richard Harris, Hon. Marlene Jennings, Gerald Keddy, Daryl Kramp, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

In attendance: House of Commons: Mike MacPherson, Legislative Clerk. *Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

Appearing: Hon. Rob Nicholson, Minister of Justice and Attorney General of Canada.

Witnesses: Department of Justice: Douglas Hoover, Counsel, Criminal Law Policy Section; Catherine Kane, Acting Senior General Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

The Minister made a statement and, with Douglas Hoover, answered questions.

At 5:34 p.m., the Committee adjourned to the call of the Chair.

Christine Lafrance
Clerk of the Committee

2007/11/01 8:18 a.m.

HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS
LÉGISLATIVE COMMITTEE ON BILL C-2

Chair: Rick Dykstra.

Meeting No. 3

Wednesday, October 31, 2007

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Larry Bagnell,
Joe Comartin,
Rick Dykstra,
Carole Freeman,
Richard Harris,
Hon. Marlene Jennings,
Gerald Keddy,
Daryl Kramp,
Derek Lee,
Réal Ménard,
Rob Moore,
Daniel Petit
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:
Robin MacKay, Analyst;
Dominique Valiquet, Analyst.

WITNESSES:

Department of Justice:

Julie Besner, Counsel, Criminal Law Policy Section;
Douglas Hoover, Counsel, Criminal Law Policy Section;
Catherine Kane, Acting Senior General Counsel, Criminal Law
Policy Section;
Carole Morency, Acting General Counsel;
Greg Yost, Counsel, Criminal Law Policy Section.

Christine Lafrance
Clerk of the Committee

Français

Close

MINUTES OF PROCEEDINGS

Meeting No. 3

Wednesday, October 31, 2007

The Legislative Committee on Bill C-2 met in a televised session at 3:48 p.m. this day, in Room 253-D, Centre Block, the Chair, Rick Dykstra, presiding.

Members of the Committee present: Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Richard Harris, Hon. Marlene Jennings, Gerald Keddy, Daryl Kramp, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Alan Tonks.

In attendance: Library of Parliament: Robin MacKay, Analyst; Dominique Valiquet, Analyst.

Witnesses: Department of Justice: Julie Besner, Counsel, Criminal Law Policy Section; Douglas Hoover, Counsel, Criminal Law Policy Section; Catherine Kane, Acting Senior General Counsel, Criminal Law Policy Section; Carole Morency, Acting General Counsel; Greg Yost, Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 5:20 p.m., the sitting was suspended.

At 5:22 p.m., the sitting resumed.

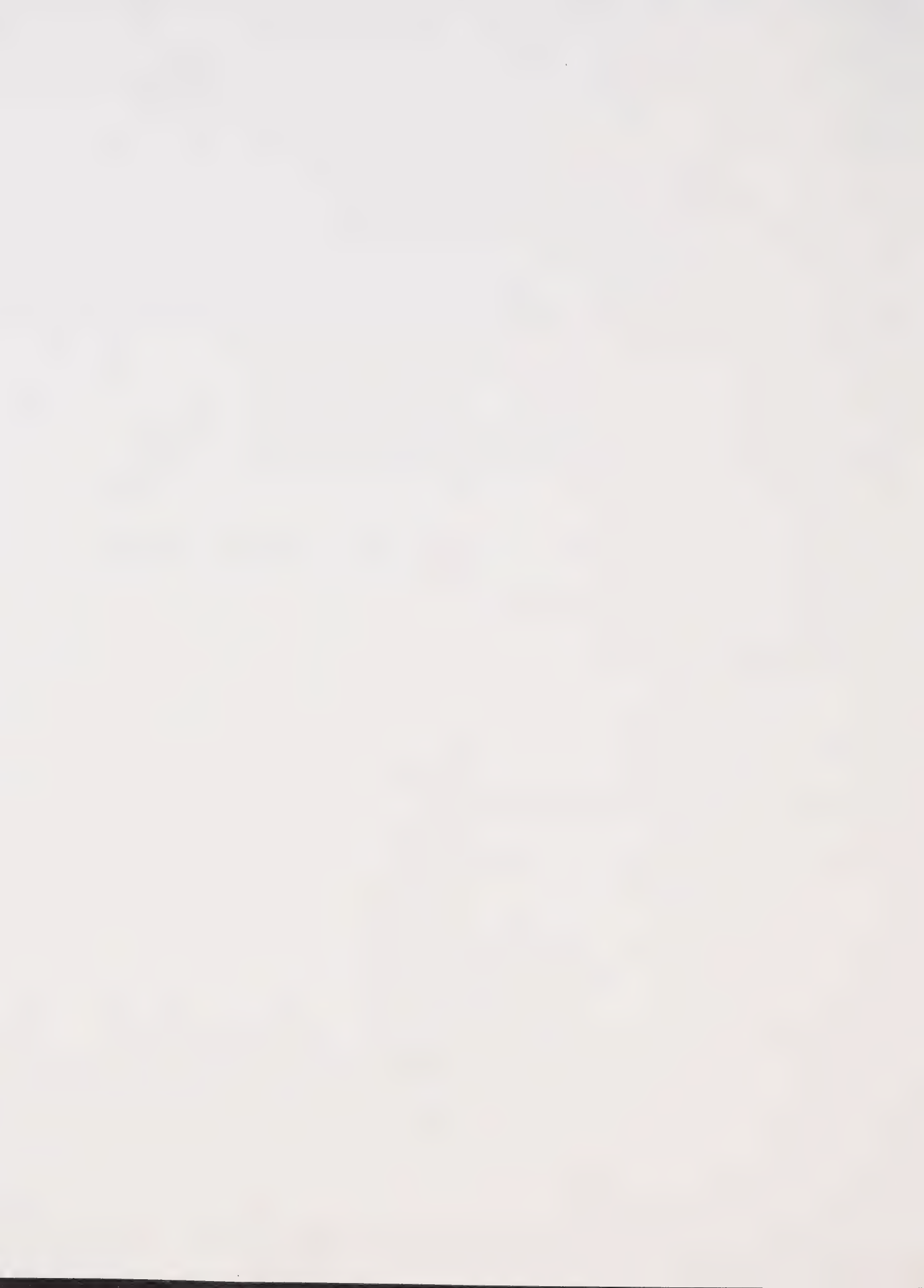
It was agreed, — That the meeting no longer be televised.

It was agreed, — That the proposed budget in the amount of \$45,850 be adopted and that the Chair present the said budget to the Board of Internal Economy.

At 5:27 p.m., the Committee adjourned to the call of the Chair.

Christine Lafrance
Clerk of the Committee

2007/11/07 11:47



HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: Rick Dykstra.

Meeting No. 4

Thursday, November 1, 2007

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Larry Bagnell,
Joe Comartin,
Rick Dykstra,
Carole Freeman,
Richard Harris,
Hon. Marlene Jennings,
Gerald Keddy,
Daryl Kramp,
Derek Lee,
Réal Ménard,
Rob Moore,
Hon. Shawn Murphy,
Daniel Petit,
Paul Steckle
and Alan Tonks.

IN ATTENDANCE:

Library of Parliament:

Robin MacKay, Analyst;
Dominique Valiquet, Analyst.

WITNESSES:

Ontario Ministry of the Attorney General:

Terrance Cooper, Assistant Crown Attorney, Counsel to the
Director of Crown Operations - East Region.

Canadian Centre for Abuse Awareness:

John Muise, Director, Public Safety.

Christine Lafrance
Clerk of the Committee

Français

Close

MINUTES OF PROCEEDINGS

Meeting No. 4

Thursday, November 1, 2007

The Legislative Committee on Bill C-2 met in a televised session at 9:08 a.m. this day, in Room 237-C, Centre Block, the Chair, Rick Dykstra, presiding.

Members of the Committee present: Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Richard Harris, Hon. Marlene Jennings, Gerald Keddy, Daryl Kramp, Derek Lee, Réal Ménard, Rob Moore, Hon. Shawn Murphy, Daniel Petit, Paul Steckle and Alan Tonks.

In attendance: Library of Parliament: Robin MacKay, Analyst; Dominique Valiquet, Analyst.

Witnesses: Ontario Ministry of the Attorney General: Terrance Cooper, Assistant Crown Attorney, Counsel to the Director of Crown Operations - East Region. *Canadian Centre for Abuse Awareness:* John Muise, Director, Public Safety.

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

It was agreed, — That the meeting stop its televising when the Committee resumes its business.

At 11:01 a.m., the sitting was suspended.

At 11:03 a.m., the sitting resumed.

It was agreed, — That each party determine two or three witnesses as their priorities and that panels of three to four witnesses be organized for each meeting.

At 11:15 a.m., the Committee adjourned to the call of the Chair.

Christine Lafrance
Clerk of the Committee

2007/11/02 4:23 p.m.

HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: Rick Dykstra.

Meeting No. 5

Tuesday, November 13, 2007

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Larry Bagnell,
Hon. Sue Barnes,
Joe Comartin,
Rick Dykstra,
Carole Freeman,
Richard Harris,
Hon. Marlene Jennings,
Gerald Keddy,
Daryl Kramp,
Derek Lee,
Réal Ménard,
Rob Moore,
Brian Murphy
and Daniel Petit.

IN ATTENDANCE:

Library of Parliament:

Robin MacKay, Analyst;
Dominique Valiquet, Analyst.

WITNESSES:

Association québécoise des avocats et avocates de la défense:

Jean Charbonneau, Expert witness.

As an Individual:

Anthony N. Doob, Professor, Centre for Criminology, University
of Toronto.

Canadian Association of Elizabeth Fry Societies:

Lucie Joncas, President;
Kim Pate, Executive Director.

Association québécoise des avocats et avocates de la défense:

Richard Prihoda, Lawyer.

Canadian Council of Criminal Defence Lawyers:

Andy Rady, Director;
Evan Roitenberg, Director.

Christine Lafrance
Clerk of the Committee

Français Close

MINUTES OF PROCEEDINGS

Meeting No. 5

Tuesday, November 13, 2007

The Legislative Committee on Bill C-2 met in a televised session at 9:03 a.m. this day, in Room 237-C, Centre Block, the Chair, Rick Dykstra, presiding.

Members of the Committee present: Hon. Larry Bagnell, Hon. Sue Barnes, Joe Comartin, Rick Dykstra, Carole Freeman, Richard Harris, Hon. Marlene Jennings, Gerald Keddy, Daryl Kramp, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

In attendance: Library of Parliament: Robin MacKay, Analyst; Dominique Valiquet, Analyst.

Witnesses: Association québécoise des avocats et avocates de la défense: Jean Charbonneau, Expert witness. *As an individual:* Anthony N. Doob, Professor, Centre for Criminology, University of Toronto. *Canadian Association of Elizabeth Fry Societies:* Lucie Joncas, President; Kim Pate, Executive Director. *Association québécoise des avocats et avocates de la défense:* Richard Prihoda, Lawyer. *Canadian Council of Criminal Defence Lawyers:* Andy Rady, Director; Evan Roitenberg, Director.

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 10:50 a.m., the sitting was suspended.

At 10:55 a.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Joe Comartin moved, — That the Committee adopt the following report:

Introduction

Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts, was introduced and received first reading in the House of Commons on 18 October 2007. The Bill – short title: Tackling Violent Crime Act – groups together five bills that had been dealt with separately in the first session of the 39th Parliament. The five broad categories of legislative measures will create two new firearm offences and provide escalating mandatory sentences of imprisonment for serious firearm offences, reverse the onus on those seeking bail when accused of serious offences involving firearms and other regulated weapons, make it easier to have someone declared a dangerous offender, introduce a new regime for the detection and investigation of drug-impaired driving and increase the penalties for impaired driving, and raise the age of consent for sexual activity from 14 to 16 years.

Background and status of C-10, 22, 27 and 35 at time of Prorogation

The mandatory minimum sentences for serious firearms offences in Bill C-2 derive from Bill C-10, An

Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act, which was introduced and received first reading in the House of Commons on 4 May 2006, followed by second reading and referral to the House of Commons Standing Committee on Justice and Human Rights on 13 June 2006. Its primary objectives were to increase mandatory minimum terms of imprisonment for individuals who commit serious or repeat firearm offences, and to create the new offences of breaking and entering to steal a firearm and robbery to steal a firearm.(1) Bill C-10 was introduced in the Senate on 30 May 2007.

The change to the age of consent in Bill C-2 derives from Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act, which was introduced and received first reading in the House of Commons on 22 June 2006 and was passed by the House on 4 May 2007. The goal of Bill C-22, and of the corresponding clauses in Bill C-2, is to amend the Criminal Code to raise the age, from 14 to 16 years, at which a person can consent to non exploitative sexual activity. This applies to sexual activity involving prostitution, pornography, or where there is a relationship of trust, authority, dependency or any other situation that is otherwise exploitative of a young person. Bill C-22 passed second reading in the Senate on 20 June 2007.

The changes to the provisions concerning dangerous offenders, long-term offenders and recognizances to keep the peace in Bill C-2 derive from Bill C-27, An Act to amend the Criminal Code (dangerous offenders and recognizance to keep the peace), which was introduced and received first reading in the House of Commons on 17 October 2006 and was sent to a special legislative committee following second reading on 4 May 2007. The goal of Bill C-27, and of the corresponding clauses in Bill C-2, is to amend the Criminal Code to facilitate the declaration of certain convicted persons as dangerous offenders. One modification in Bill C-2 from Bill C-27 is the possibility for a sentence of detention for an indeterminate period in the case of an offender who has breached a long-term supervision order. It should be noted that Bill C-2 retains the dangerous offender presumption that was provided in Bill C-27 for three primary designated offences. Before the prorogation of Parliament, the legislative committee had held six meetings on the study of Bill C-27.

The provisions relating to drug-impaired driving in Bill C-2 derive from Bill C-32 of the First Session of the 39th Parliament. Bill C-32 was introduced in the House of Commons on 21 November 2006 and reported with amendments by the Standing Committee on Justice and Human Rights on 20 June 2007.

The provisions in Bill C-2 relating to bail for offences involving firearms derive from Bill C-35, An Act to amend the Criminal Code (reverse onus in bail hearings for (firearm-related offences), which was introduced in the House of Commons on 23 November 2006 and adopted by the House without amendment on 5 June 2007. The intent of the bill was to restrict the ability of persons charged with certain offences related to firearms to be released on bail. Before the prorogation of Parliament, Bill C-35 had received first reading in the Senate on 5 June 2007.

Issues over further delay

The Committee has concerns that the Bill in its present form will further delay the above noted Sections that have already been reviewed by Committee and have been reported back and or passed the House of Commons. These Sections have received all-party support and therefore their passage and coming into force could be greatly expedited by splitting Bill C-2 in particular this should expedite the passage of these sections through the other place.

The Committee also has concerns over certain Sections relating to the dangerous offenders provisions contained in Bill C-2. Issues relating to constitutional jurisdiction and the division of federal and

provincial powers have been raised as have been concerns about possible successful Charter of Rights challenges. As a result, the Committee maintains that these Sections require extensive debate and possibly amendments to the Bill. In particular the Committee is also concerned that this part of the Bill will attract extensive review and debate in the Other House, thereby causing a lengthy delay in the passage of C-2 unless the Bill is split.

Recommendations

The Committee therefore recommends

That the House instruct the Committee that it divide the Bill into two bills, the first containing the provisions of the Bill creating two new firearm offences and providing escalating mandatory sentences of imprisonment for serious firearm offences, strengthening the bail provisions for those accused of serious offences involving firearms and other regulated weapons, introducing a new regime for the detection and investigation of drug impaired driving and strengthening the penalties for impaired driving, and raising the age of consent for sexual activity from 14 to 16 years and the second containing the provisions respecting more effective sentencing and monitoring of dangerous and high-risk offenders; and

That the Committee report the first bill to the House no later than Wednesday, November 21, 2007, and the second bill no later than November 23, 2007.

That the Chair present this report to the House as soon as possible. .

The Chair ruled the motion inadmissible because it contravenes S.O. 113(5) and the Order of Reference of the House, sent to the Committee on October 26, 2007.

Whereupon, Joe Comartin appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Larry Bagnell, Sue Barnes, Carole Freeman, Richard Harris, Marlene Jennings, Gerald Keddy, Daryl Kramp, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit — 12; NAYS: Joe Comartin — 1.

At 11:10 a.m., the Committee adjourned to 3:30 p.m., Wednesday, November 14, 2007.

Christine Lafrance
Clerk of the Committee

2007/11/20 11:52 a.m.

HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: Rick Dykstra.

Meeting No. 6

Wednesday, November 14, 2007

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Larry Bagnell,
Joe Comartin,
Rick Dykstra,
Carole Freeman,
Richard Harris,
Brian Jean,
Hon. Marlene Jennings,
Daryl Kramp,
Derek Lee,
Brian Masse,
Réal Ménard,
Rob Moore
and Daniel Petit.

IN ATTENDANCE:

Library of Parliament:

Robin MacKay, Analyst;
Dominique Valiquet, Analyst.

WITNESSES:

John Howard Society of Canada:
Craig Jones, Executive Director.

Canadian Association of Chiefs of Police:
Clayton J.D. Pecknold, Vice-Chair, Law Amendments Committee;
Pierre-Paul Pichette, Vice-Chair, Law Amendments Committee.

As an Individual:
Isabel J. Schurman, Professor, Faculty of Law, McGill University.

Christine Lafrance
Clerk of the Committee

Français

Close

MINUTES OF PROCEEDINGS

Meeting No. 6

Wednesday, November 14, 2007

The Legislative Committee on Bill C-2 met in a televised session at 3:30 p.m. this day, in Room 253-D, Centre Block, the Chair, Rick Dykstra, presiding.

Members of the Committee present: Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Richard Harris, Brian Jean, Hon. Marlene Jennings, Daryl Kramp, Derek Lee, Brian Masse, Réal Ménard, Rob Moore and Daniel Petit.

In attendance: Library of Parliament: Robin MacKay, Analyst; Dominique Valiquet, Analyst.

Witnesses: John Howard Society of Canada: Craig Jones, Executive Director. *Canadian Association of Chiefs of Police:* Clayton J.D. Pecknold, Co-Chair, Law Amendments Committee; Pierre-Paul Pichette, Co-Chair, Law Amendments Committee. *As an individual:* Isabel J. Schurman, Professor, Faculty of Law, McGill University.

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

The witnesses made statements and answered questions.

At 5:15 p.m., the sitting was suspended.

At 5:17 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Réal Ménard moved, — That the Department of Justice be asked to table all available legal opinions relating to the constitutionality of Bill C-2.

Marlene Jennings moved, — That the motion be amended by adding after the words “to be asked” the following: “to provide on a confidential, in-camera basis which protects «advice to the Minister»,”; adding after the word “opinions” the following: “in its possession”; and adding after the words “Bill C-2” the following “by Friday, November 16, 2007, 3:00 p.m.”.

Debate arose thereon.

At 5:32 p.m., pursuant to Standing Order 115(5), the Committee adjourned to 9:00 a.m., Thursday, November 15, 2007.

Christine Lafrance
Clerk of the Committee

2007/11/16 4:00 p.m.

HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Member: Brian Murphy.

Meeting No. 7

Thursday, November 15, 2007

ORDER OF THE DAY:

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Larry Bagnell,
Joe Comartin,
Rick Dykstra,
Carole Freeman,
Richard Harris,
Hon. Marlene Jennings,
Gerald Keddy,
Daryl Kramp,
Derek Lee,
Réal Ménard,
Rob Moore,
Brian Murphy
and Daniel Petit.

IN ATTENDANCE:

Library of Parliament:

Robin MacKay, Analyst;
Dominique Valiquet, Analyst.

WITNESSES:

Department of Justice:

Stanley Cohen, Senior General Counsel;
Douglas Hoover, Counsel.

As an Individual:

Pierre Landreville, Emeritus Professor.

Christine Lafrance
Clerk of the Committee

MINUTES OF PROCEEDINGS

Meeting No. 7

Thursday, November 15, 2007

The Legislative Committee on Bill C-2 met in a televised session at 9:05 a.m. this day, in Room 253-D, Centre Block, the Chair, Rick Dykstra, presiding.

Members of the Committee present: Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Richard Harris, Hon. Marlene Jennings, Gerald Keddy, Daryl Kramp, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

In attendance: Library of Parliament: Robin MacKay, Analyst; Dominique Valiquet, Analyst.

Witnesses: Department of Justice: Stanley Cohen, Senior General Counsel; Douglas Hoover, Counsel.

As an individual: Pierre Landreville, Emeritus Professor.

The Committee proceeded to the consideration of matters related to Committee business.

The Committee resumed consideration of the motion of Réal Ménard, — That the Department of Justice be asked to table all available legal opinions relating to the constitutionality of Bill C 2.

The Committee resumed consideration of the amendment of Marlene Jennings, — That the motion be amended by adding after the words “to be asked” the following: “to provide on a confidential, in-camera basis which protects «advice to the Minister»,”; adding after the word “opinions” the following: “in its possession”; and adding after the words “Bill C-2” the following “by Friday, November 16, 2007, 3:00 p.m.”.

After debate, the question was put on the amendment of Marlene Jennings and it was negatived on the following recorded division: YEAS: Joe Comartin, Carole Freeman, Marlene Jennings, Réal Ménard — 4; NAYS: Larry Bagnell, Richard Harris, Daryl Kramp, Rob Moore, Brian Murphy, Daniel Petit — 6.

The question was put on the motion and it was negatived on the following recorded division: YEAS: Larry Bagnell, Joe Comartin, Carole Freeman, Marlene Jennings, Réal Ménard — 5; NAYS: Richard Harris, Gerald Keddy, Daryl Kramp, Rob Moore, Brian Murphy, Daniel Petit — 6.

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

Pierre Landreville made a statement and answered questions.

At 10:24 a.m., the sitting was suspended.

At 10:27 a.m., the sitting resumed.

Stanley Cohen and Douglas Hoover answered questions.

At 11:29 a.m., the Committee adjourned to 9:00 a.m., Tuesday, November 21, 2007.

Christine Lafrance
Clerk of the Committee

2007/11/19 4:08

HOUSE OF COMMONS OF CANADA
39th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS
LEGISLATIVE COMMITTEE ON BILL C-2

Chair: Rick Dykstra.

Meeting No. 8

Tuesday, November 20, 2007

ORDER OF THE DAY:

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

MEMBERS OF THE COMMITTEE PRESENT:

Harold Albrecht,
Hon. Larry Bagnell,
Joe Comartin,
Rick Dykstra,
Richard Harris,
Hon. Marlene Jennings,
Gerald Keddy,
Daryl Kramp,
Derek Lee,
Réal Ménard,
Rob Moore,
Brian Murphy,
Daniel Petit,
Scott Simms,
Ève-Mary Thiaï Thi Lac
and Chris Warkentin.

IN ATTENDANCE:

Library of Parliament:

Robin MacKay, Analyst;
Dominique Valiquet, Analyst.

House of Commons:

Mike MacPherson, Legislative Clerk;

APPEARING:

Rob Moore, Parliamentary Secretary to the Minister of Justice and
Attorney General of Canada.

WITNESSES:

Department of Justice:

Catherine Kane, Acting Senior General Counsel, Criminal Law
Policy Section;

Carole Morency, Acting General Counsel;

Douglas Hoover, Counsel, Criminal Law Policy Section.

Christine Lafrance
Clerk of the Committee

Français

Close

MINUTES OF PROCEEDINGS

Meeting No. 8

Tuesday, November 20, 2007

The Legislative Committee on Bill C-2 met in a televised session at 9:11 a.m. this day, in Room 253-D, Centre Block, the Chair, Rick Dykstra, presiding.

Members of the Committee present: Harold Albrecht, Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Richard Harris, Hon. Marlene Jennings, Gerald Keddy, Daryl Kramp, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit, Scott Simms, Ève-Mary Thériault and Chris Warkentin.

In attendance: Library of Parliament: Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

Appearing: Rob Moore, Parliamentary Secretary to the Minister of Justice and Attorney General of Canada.

Witnesses: Department of Justice: Catherine Kane, Acting Senior General Counsel, Criminal Law Policy Section; Carole Morency, Acting General Counsel; Douglas Hoover, Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Friday, October 26, 2007, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

The Committee commenced its clause-by-clause study of the Bill.

Pursuant to Standing Order 75(1), consideration of the Preamble is postponed.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Chair calls Clause 2.

By unanimous consent, Clauses 2 to 33 inclusive carried on division.

Clause 34 carried on division.

On new Clause 34.1,

Réal Ménard moved, — That Bill C-2 be amended by adding after line 15 on page 33 the following new clause:

“34.1 Subsection 462.37(2.02) of the Act is amended by striking out the word “and” at the end of paragraph (a), by adding the word “and” at the end of paragraph (b) and by adding the following after paragraph (b):

(c) an offence under any of the following provisions:

- (i) section 212 (procuring),
- (ii) section 334 (punishment for theft), when prosecuted under paragraph (a),
- (iii) section 344 (robbery),
- (iv) section 347 (criminal interest rate),
- (v) subsection 380(1) (fraud), when prosecuted under paragraph (a), and
- (vi) section 449 (making counterfeit money).”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

On new Clause 34.2,

Réal Ménard moved, — That Bill C-2 be amended by adding after line 15 on page 33 the following new clause:

“34.2 The Act is amended by adding the following after section 467.14:

467.15 (1) Every person who knowingly wears or displays a name, word, symbol or other representation that identifies, or is associated with, an organization deemed or declared by a court to be a criminal organization is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) In a prosecution for an offence under subsection (1), it is not necessary for the prosecutor to prove that the accused knew the identity of any of the persons who constitute the criminal organization.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

By unanimous consent, Clauses 35 and 36 carried on division.

On new Clause 36.1,

Réal Ménard moved, — That Bill C-2 be amended by adding after line 30 on page 33 the following new clause:

“36.1 Section 492.1 of the Act is amended by adding the following after subsection (2):

(2.1) Despite subsection (2), a warrant issued under subsection (1) may be valid for a period mentioned in it exceeding sixty days and not exceeding one year, where the warrant is in relation to

(a) an offence under section 467.11, 467.12 or 467.13;

(b) an offence committed for the benefit of, at the direction of, or in association with, a criminal organization; or

(c) a terrorism offence.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

By unanimous consent, Clauses 37 and 38 carried on division.

On new Clause 38.1,

Joe Comartin moved, — That Bill C-2 be amended by adding after line 12 on page 35 the following new clause:

“38.1 Section 718.3 of the Act is amended by adding the following after subsection (2):

“(2.1) Despite the fact that an enactment prescribes a minimum punishment in respect of an offence, the punishment to be imposed is, unless the offence is committed under section 47 or 235, in the discretion of the court that convicts a person who commits the offence. The court shall not impose the minimum punishment if it does not consider it necessary to do so having regard to the public interest, the needs of the community and the best interests of the person who commits the offence.””

The Chair ruled the proposed amendment inadmissible because it was contrary to the principle of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Joe Comartin appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Harold Albrecht, Larry Bagnell, Richard Harris, Gerald Keddy, Daryl Kramp, Réal Ménard, Rob Moore, Ève-Mary Thiaï Thi Lac — 8; NAYS: Joe Comartin, Marlene Jennings, Derek Lee, Brian Murphy — 4.

On new Clause 38.2,

Réal Ménard moved, — That Bill C-2 be amended by adding after line 12 on page 35 the following new clause:

“38.2 Subsection 719(3) of the Act is replaced by the following:

(3) In determining the sentence to be imposed on a person convicted of an offence, a court may deduct a number of days not exceeding the number of days spent in custody by the person as a result of the offence.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Clause 39 carried on division.

On Clause 40,

Joe Comartin moved, — That Bill C-2, in Clause 40, be amended by deleting line 30 on page 35.

After debate, the question was put on the amendment of Joe Comartin and it was negatived, by a show of hands: YEAS: 1; NAYS: 7.

Joe Comartin moved, — That Bill C-2, in Clause 40, be amended by deleting line 11 on page 36.

The question was put on the amendment of Joe Comartin and it was negatived, by a show of hands: YEAS: 3; NAYS: 7.

By unanimous consent, it was agreed, — That the result of the vote on the previous amendment be applied to the following four (4) amendments which are therefore also negatived:

That Bill C-2, in Clause 40, be amended by deleting lines 12 and 13 on page 36.

That Bill C-2, in Clause 40, be amended by deleting lines 17 and 18 on page 36.

That Bill C-2, in Clause 40, be amended by deleting lines 29 to 31 on page 36.

That Bill C-2, in Clause 40, be amended by deleting lines 1 to 6 on page 38.

Clause 40 carried on the following recorded division: YEAS: Harold Albrecht, Larry Bagnell, Richard Harris, Marlene Jennings, Gerald Keddy, Daryl Kramp, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Ève-Mary Thai Thi Lac — 11; NAYS: Joe Comartin — 1.

On Clause 41,

Joe Comartin moved, — That Bill C-2, in Clause 41, be amended by deleting lines 37 to 43 on page 38 and lines 1 to 5 on page 39.

Debate arose thereon.

At 9:58 a.m., the sitting was suspended.

At 10:08 a.m., the sitting resumed.

After debate, the question was put on the amendment of Joe Comartin and it was negatived, by a show of hands: YEAS: 1; NAYS: 10.

Joe Comartin moved, — That Bill C-2, in Clause 41, be amended by replacing line 43 on page 38 with the following:

“least five years of imprisonment for each of”

After debate, the question was put on the amendment of Joe Comartin and it was negatived, by a show of hands: YEAS: 2; NAYS: 8.

Clause 41 carried on division.

On Clause 42,

Derek Lee moved, — That Bill C-2, in Clause 42, be amended by replacing line 11 on page 40 with the

following:

“to have been met, after the prosecutor has informed the offender, in writing, of the criteria to be used by the court in making its finding, unless the contrary is proved”

After debate, the question was put on the amendment of Derek Lee and it was negatived, by a show of hands: YEAS: 3; NAYS: 7.

Joe Comartin moved, — That Bill C-2, in Clause 42, be amended by replacing lines 20 to 27 on page 40 with the following:

“that imposition, and at the time of the application under subsection (1) — that is not later than six months after the imposition of sentence — it is shown that relevant evidence that was not reasonably available to the prosecutor at the time of the imposition of sentence became available in the interim; or

(b) at any time after the offender begins to serve the sentence, the prosecutor gives notice to the offender of a possible intention to make an application under section 752.1 and an application under subsection (1), and it can be shown that the offender has refused and continues to refuse any treatment available to the offender while in custody and that the offender continues to constitute a threat to society.”

After debate, the question was put on the amendment of Joe Comartin and it was negatived on the following recorded division: YEAS: Joe Comartin — 1; NAYS: Larry Bagnell, Richard Harris, Marlene Jennings, Gerald Keddy, Daryl Kramp, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit, Scott Simms, Ève-Mary Thériault — 11.

Clause 42 carried on division.

On Clause 43,

Joe Comartin moved, — That Bill C-2, in Clause 43, be amended by replacing lines 27 to 31 on page 42 with the following:

“753.02 Any evidence adduced during the hearing of an application made under subsection 753(1) is deemed also to have been adduced during any hearing held with respect”

After debate, the question was put on the amendment of Joe Comartin and it was negatived, by a show of hands: YEAS: 1; NAYS: 11.

Clause 43 carried on division.

By unanimous consent, Clauses 44 to 56 inclusive carried on division.

On new Clause 56.1,

Réal Ménard moved, — That Bill C-2 be amended by adding after line 8 on page 50 the following new clause:

“56.1 Subsection 93(3.1) of the Act is repealed.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

The Chair ruled that the following eight (8) amendments were consequential to the previous amendment and therefore they were also inadmissible:

That Bill C-2 be amended by adding after line 8 on page 50 the following new clause:

“56.11 Section 119.1 of the Act is repealed.”

That Bill C-2 be amended by adding after line 8 on page 50 the following new clause:

“56.2 The Act is amended by adding the following after section 127:

Merit and Rehabilitation

127.1 (1) An offender is not entitled to be released under section 127 unless

(a) the Board determines, in accordance with the procedure set out in this section, that the offender has earned the release and is likely to be rehabilitated; and

(b) the offender participates in any rehabilitation program determined by the Board.

(2) Subject to subsection (3), the Board shall, for the purpose of statutory release, review the case of an offender at least four months before the offender's statutory release date under section 127.

(3) The Board is not required under subsection (2) to review the case of an offender

(a) who has advised the Board in writing that he or she does not wish to be considered for statutory release and who has not in writing revoked that advice;

(b) who is serving a sentence of less than six months; or

(c) who is unlawfully at large.

(4) The Board shall, for the purpose of statutory release, direct a prescribed professional to assess the risk of an offender reoffending, and the professional shall submit a report to the Board in respect of the assessment.

(5) With respect to a review commenced under this section, the Board shall, after examining the report referred to in subsection (4), determine

(a) whether the offender has earned the statutory release;

(b) whether the offender is likely to be rehabilitated;

(c) any rehabilitation program in which the offender must participate while the offender is on statutory release.

(6) If the Board determines that the offender has not earned the statutory release or is not likely to be

rehabilitated, or if a review is not made by virtue of subsection (3), the Board shall conduct another review within two years after the later of the date on which the first review under subsection (2) took place and the date on which it was scheduled to take place, and thereafter within two years after the date on which each preceding review under this section took place or was scheduled to take place, until

(a) the offender is released on full parole;

(b) the sentence of the offender expires; or

(c) less than four months remains to be served before the offender's statutory release date under section 127.

(7) Where an offender has been released under section 127, the Board may, after a review of the case based on information that could not reasonably have been provided to it at the time the Board determined that the offender had earned the statutory release or that the offender was likely to be rehabilitated, cancel or vary its determination if the offender has not been released or terminate the statutory release if the offender has been released."

That Bill C-2 be amended by adding after line 8 on page 50 the following new clause:

"56.12 (1) Subection 124(1) of the Act is replaced by the following:

124. (1) The Board is not required to review the case of an offender who is unlawfully at large at the time prescribed for a review under section 122 or 123, but shall do so as soon as possible after being informed of the offender's return to custody.

(2) Subsection 124(3) of the English version of the Act is replaced by the following:

(3) Where an offender has been granted parole under section 122 or 123, the Board may, after a review of the case based on information that could not reasonably have been provided to it at the time parole was granted, cancel the parole if the offender has not been released or terminate the parole if the offender has been released."

That Bill C-2 be amended by adding after line 8 on page 50 the following new clause:

"56.13 Sections 125 to 126.1 of the Act are repealed."

That Bill C-2 be amended by adding after line 8 on page 50 the following new clause:

"56.21 Paragraph 140(1)(b) of the Act is replaced by the following:

(b) the first review for full parole pursuant to subsection 123(1), subsequent reviews pursuant to subsection 123(5) and a review conducted pursuant to section 127.1;"

That Bill C-2 be amended by adding after line 8 on page 50 the following new clause:

"56.3 Subsection 225(2) of the Act is repealed."

That Bill C-2 be amended by adding after line 8 on page 50 the following new clause:

“56.4 Schedule I to the Act is amended by replacing the section references after the heading “SCHEDULE I” with the following:

(Subsection 107(1) and sections 129 and 130)”

That Bill C-2 be amended by adding after line 12 on page 50 the following new clause:

“57.1 Schedule II to the Act is amended by replacing the sections references after the heading “SCHEDULE II” with the following:

(Subsection 107(1) and sections 129, 130 and 132)”

By unanimous consent, Clauses 57 to 63 inclusive carried on division.

After debate, Clause 64 carried on division.

The Preamble carried on division.

The Short Title carried on division.

The Title carried on division.

The Bill carried on division.

ORDERED, — That the Chair report the Bill to the House.

At 11:44 a.m., the Committee adjourned to the call of the Chair.

Christine Lafrance
Clerk of the Committee

2007/11/21 4:13 p.m.
